

Copyright and the “Big Idea” for the Digital Agenda: The Answer to the Machine is in the Machine



What is “The Answer to the Machine is in the Machine”?

It is a project led by the [European Publishers Council](#) to (1) advance essential work in standardising rights expressions and automated transactions, including licensing and (2) to demonstrate the feasibility and benefits of implementing and integrating this in order to build an open communications infrastructure to support the development of content businesses online.

What is the origin of the project?

“The Answer to the Machine is in the Machine” was proposed in response to the European Commission’s DG InfSo competition for “[Big Ideas for the Digital Agenda](#)” – where it was one of seven “[winning ideas](#)” that was selected to go forward as part of that agenda. The project phase will culminate with a workshop and presentation at the [Digital Agenda Assembly](#) in Brussels in June.

Beyond the Digital Agenda Assembly, we will examine the scope for establishing the ground for a major cross-media initiative to adopt common standards for automating rights management online, and to that end anticipate organising conferences on both sides of the Atlantic during the summer.

Why now?

The primary thesis of the project is straightforward. Copyright as law is entirely fit for the new environment of networks and digital dissemination. But traditional practice for the management of copyright – individually lawyer-crafted licences, communication on paper, people-heavy processes – is a thing of the past.

The internet inevitably brings with it the end of traditional ways of doing business, of high barriers to entry, of incumbency rights. Nevertheless, this does not imply that copyright has somehow become an outmoded concept. Copyright was conceived as a tool to encourage creativity; over three centuries, it has become the engine of a hugely diverse media sector, a society which values the role

of author and composer, of photographer and musician and recognizes their right to decide on how their creations are used. Without copyright (and related intellectual property rights), the media as we know it today – whether in entertainment, education or the delivery of news or other factual information – would not exist.

Almost all the businesses that are making real money out of content on the internet are dependent on other people’s investment (of time and money) in creating that content and have become adept at avoiding the responsibilities and liabilities that go with content creation. Platitudes about the value of “the link economy” count for nothing in the real world.

Unless the individuals and businesses which create content can find a way of making a return on their investment (whether or not the return they seek is financial), they will inevitably cease to create a diverse range of content (and those with time and money to invest will put it elsewhere). Copyright is what makes it possible to make a return on creativity – and it is critical to the development of a thriving and diverse creative culture on the internet.

As we move into a machine-to-machine environment, the business of managing copyright must become a machine-mediated process, in which the complexity of copyright is completely hidden from the individual user, as it always has been in the past.

Contact Programme:

So far the reactions to the innovative approach of the EPC to find a solution for managing copyright in the digital environment are overwhelmingly positive. In addition to the institutional and political contact programme, the project is receiving a lot of interest from other stakeholders such as mobile operators, technology companies, collective management organisations and other creative industries. This interest is being channelled through a working group that has been set up to build a technical demonstrator of the “Machine” project for the **Digital**

Agenda Assembly in June 2011. In addition both the UK and German governments have requested presentations; and the project was presented to the High Level Group for the Digital Agenda in February 2011.

Why “The Answer to the Machine is in the Machine”?

The name of the project is drawn from the word of [Charles Clark](#) (1933 – 2006), one of the late twentieth century’s foremost thinkers on and shapers of copyright. Charles recognised at a very early point that digital developments – particularly the internet – would completely change the way in which copyright needs to be administered and that the answer to the machine is indeed in the machine (a statement he is believed to have first uttered during the negotiations leading to the 1996 WIPO copyright treaty). His now famous aphorism was also used as the title of a chapter that he contributed to a book published in the same year *The Future of Copyright in the Digital Environment* (ed: P. Bernt Hugenholtz).

The European Commission is re-naming our project for the Digital Assembly to “[ICT and Management of Creative Content](#)”

[Register for the Digital Assembly](#)

<http://www.epceurope.org/factsheets/epc-a-big-idea-from-the-european-publishers-council.shtml>



talk to use

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