

Alternative system for non-commercial use of intellectual property in consideration of free P2P file-sharing

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In the proposed paper we will discuss an alternative system for non-commercial use of intellectual property in consideration of free P2P file-sharing. The proposal focuses on a recently developed and suggested system to compensate creators for free P2P file-sharing of their works. The proposal hereto considers reality nowadays regarding file-sharing implemented through Internet technologies and P2P systems mainly in juxtaposition with Intellectual Property Law provisions and their pitfalls regarding the protection of creative works in the era of Internet networks. Currently, Intellectual Property Law seems to fail - or, at least, underperform - in providing sufficient protection for creative works which in the era of Internet networks may incorporate the characteristics of what economists refer to as "public goods", i.e. the works when digitized and used through Internet networks they become non-rivalrous and non-excludable. A creative work is non-rivalrous when its enjoyment by one person does not prevent its enjoyment by others; a creative work is non-excludable when it becomes impossible to prevent others from gaining access to it when the work becomes available to one person. Digitized intellectual property when used through Internet networks becomes non-rivalrous and non-excludable, thus questioning the efficacy of current Intellectual Property legal framework that was designed in consideration of an analogue environment, mainly. In addition to the aforementioned analysis upon an alternative system for non-commercial use of intellectual property in consideration of free P2P file-sharing, we will elaborate upon the Creative Commons (CC) licenses which have been imported in Greece as of 2007 and which allow the free use of works beyond the fair use limits and the legal restrictions of copyright. The user is granted the right to reproduction, distribution, making the work available to the public, and adaptation of the work. CC licenses do not aim at amending the intellectual property legislation, but rather they consist of a means for flexible ways to exercise the intellectual property rights through them. The Creative Commons licenses version 3.0 are the most worldwide known and used legally binding licenses allowing the distribution and use of intellectual property works compatible with the emerging openness of academic materials and knowledge through digital archives.