



OUR DIGITAL FUTURE:

A CROWDSOURCED
AGENDA FOR FREE
EXPRESSION

ACKNOWLEDGEMENTS

“Our Digital Future” was a multi-platform initiative launched in July 2012. It was only possible because of the involvement and support of countless groups and individuals around the world. While they are far too numerous to mention individually, our agenda builds upon the grassroots and public policy initiatives that have created such a compelling case for the need for copyright reforms. We’ve tried our best to give that body of work consideration during this process.

We are, in particular, indebted to the contributions of the Our Fair Deal coalition members, whose expert input has helped shape our crowdsourcing project as well as our final report. We owe special thanks to Article 19’s “Principles on Freedom of Expression and Copyright in the Digital Age” and the Authors Alliance’s “Principles and Proposals for Copyright Reform,” which helped us craft more concrete policy proposals that can translate the wishes of our community into law.

We also thank peer reviewers who provided critical, in-depth comments and suggestions, which served to strengthen the quality and overall presentation of our agenda. Any shortcomings or oversights are in spite, not because, of their generous contributions, and are entirely the responsibility of the authors.

Lastly, the pro-Internet community has always been at the heart of this project. This report is primarily based on the invaluable input of the 40,079 people who participated in our drag-and-drop tool to crowdsource a vision for sharing and creativity online, and the energy of over 300,000 people around the world who have used OpenMedia as a platform for action on free expression. Their concern for their rights to share and create in the digital age is the driving force behind our work – so, to our community, thank you so much <3

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EXECUTIVE SUMMARY

AN AGENDA FOR FREE EXPRESSION THAT RESPECTS CREATORS, AND EMBRACES DEMOCRACY

At its best, the Internet encourages us to share, use our creativity, and express ourselves freely. It fosters the same key experiences that help us preserve our imaginations and our capacity to learn as we grow from children into adults. What we've heard from the hundreds of thousands of Internet users worldwide who have participated in OpenMedia's projects is that the Internet has the power to bring people together around these common learning experiences and shared values. This includes both those who want to share, and those who want to create – the Internet provides us all with new ways to exercise our right to freedom of expression. As Chris, an OpenMedia Internet Voice participant from Sweden, states: "On the Internet, free expression, creativity, education, public discourse and debate thrive like never before...The people of the world finally have a voice."¹

Supporters like Chris inspired us to create "Our Digital Future," an initiative to amplify and unite the voices of Internet users who are seeking new ways to protect and nourish creativity, sharing, and free expression online. Beginning in July 2012, when we launched our first online action against anti-Internet provisions in the Trans-Pacific Partnership (TPP) agreement, OpenMedia has been rallying people worldwide to fight Internet censorship. When we asked our community in March 2013 how to best continue this work on free expression, reddit user HouseGray exemplified the feedback we were receiving: "[A]ttempts to

legalize restrictions on the Internet will continue ceaselessly until laws are passed that guarantee freedoms...lobbying for laws that cement Internet freedoms and rights [will] be the only solution that will work long-term."² Guided by this type of community input, we designed a consultation process with multiple stakeholder groups to decide what these pro-Internet laws might look like.

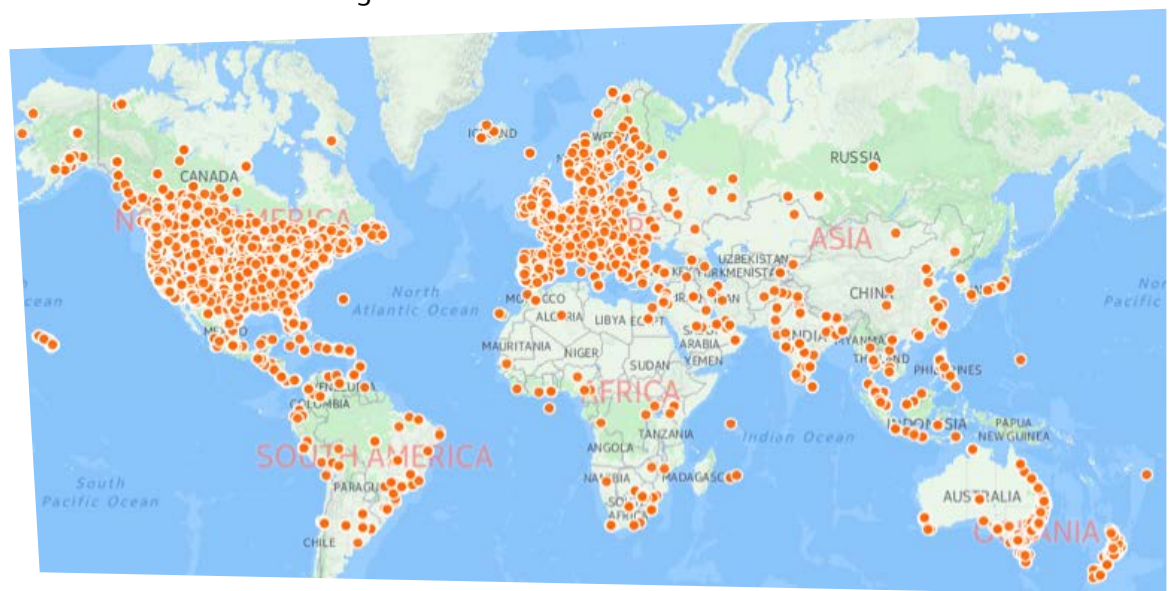
After a process design phase that saw input from Internet users, civil society and community organizations, and impacted businesses,³ in October 2013 we launched our interactive drag-and-

drop tool. Our intensive outreach work surrounding this tool – which took participants through a set of 9 questions about copyright law in the digital age – brought together over 40,000 Internet users in less than a year to crowdsource a new vision for free expression.⁴ Overall, our work on free expression has engaged over 300,000⁵ eager Internet users all over the world through multiple platforms.

The 40,079 participants in our crowdsourcing tool, who came from an impressive 155 countries around the world [Image 1], felt urgency to craft a plan for a fair deal for users and creators. They

felt this urgency in light of some of the worrying copyright and IP provisions being proposed in several regions,⁶ and in international agreements such as the Trans-Pacific Partnership (TPP)⁷ – a multinational trade agreement involving 12 countries in the Asia-Pacific Region, which account for nearly 40 percent of global GDP and about one-third of all world trade.⁸ Participants in our crowdsourcing initiative also joined over 3,000,000 supporters of diverse international civil society organizations who have expressed grave concerns about secrecy and censorship in the TPP.⁹

Image 1: Participants in our drag-and-drop crowdsourcing tool, by anonymized IP address



- 1 "Internet Voices" come from the approximately 30,000 people who have used OpenMedia's "Internet Voice Tool" (found at openmedia.org/facetoface) or OpenMedia's social media platforms to submit comments to the TPP negotiators. We quote these OpenMedia supporters throughout the report to bring more attention to the lived experiences of Internet users with copyright and free expression. See the chapter on "The Process" for more information about the "Internet Voice Tool" and the hundreds of thousands of people worldwide who have spoken out for free expression.
- 2 http://www.reddit.com/r/IAmA/comments/1ajboq/we_are_internet_freedom_advocates_and_online/c8xxkil
- 3 See "The Process" for more information on our consultation process.
- 4 See "Appendix: Methodology" for full results for the drag-and-drop crowdsourcing tool.
- 5 Total numbers from all OpenMedia actions on free expression include: <http://stopthetrap.net> - 112,145 signatures, <http://ourfairdeal.org> - 19,694 signatures, [https://openmedia.org/froman-22,867 signatures](https://openmedia.org/froman-22,867-signatures), [https://openmedia.org/censorship-141,130 signatures](https://openmedia.org/censorship-141,130-signatures), <https://stopthesecrecy.net> - 161,026 signatures, [https://openmedia.org/expression-62,670 signatures](https://openmedia.org/expression-62,670-signatures), [https://openmedia.org/letter-912 supporters](https://openmedia.org/letter-912-supporters), who used our Letter to the Editor tool, [https://openmedia.org/facetoface-29,041 participants](https://openmedia.org/facetoface-29,041-participants) (with duplicate actions removed, the number of unique supporters is ~316,000)
- 6 Other notable examples of attempts to use copyright policy to censor the Internet include the U.S. Stop Online Piracy Act (SOPA), a bill pushed through by lobbyists who sought to criminalize alleged copyright infringement, force ISPs to block websites suspected of promoting online sharing, and even ban companies from conducting business with "blacklisted" websites. (<http://www.theglobeandmail.com/technology/tech-news/sopas-most-frightening-flaw-is-the-future-it-predicts/article1358850/?page=all>) Iterations of the Anti-Counterfeiting Trade Agreement (ACTA), an international intellectual property agreement, also included provisions which seek criminal charges for copyright infringement.
- 7 <https://openmedia.ca/blog/huffington-post-openmedia-op-ed-tpps-internet-trap>
- 8 <http://www.ustr.gov/about-us/press-office/press-releases/2013/april/joint-statement-tpp-ministers>
- 9 <https://stopthesecrecy.net/>
- 10 <https://openmedia.ca/blog/antarctica-vietnam-global-internet-users-are-creating-vision-our-digital-future>

INTERNET VOICE*

"On the Internet, free expression, creativity, education, public discourse and debate thrive like never before – The people of the world finally have a voice."

– Chris, Sweden

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THREE KEY RECOMMENDATIONS

While media conglomerate interventions in copyright and intellectual property law have envisioned (and sometimes created) regimes where the needs of these conglomerates trump the possibilities of the open Internet, our crowdsourcing participants envision a regime where both sharing and creativity flourish. From their input, and the many other elements of the “Our Digital Future” process, we’ve distilled three key recommendations:

1. RESPECT CREATORS

Participants in our crowdsourcing process indicated strong support for those in the creative industries – a significant majority (67 percent) wanted to see creators receive at least 75 percent of the revenue from their work, and an amazing 89.2 percent of respondents noted that we should always give credit to the creator of a work when sharing.¹¹ Given the strong beliefs of our community, our first recommendation focuses on the need to respect creators. We outline ways to respect creators by ensuring they have access to: new ways to share their work; to fair use/fair dealing; to any compensation resulting from copyright infringement; and finally, to a rich public domain. By first ensuring creators have access to the tools they need to create and share in the digital age, we can design a copyright regime that serves the needs of 21st century knowledge and culture creators.

2. PRIORITIZE FREE EXPRESSION

When asked to rank a list of six priorities for copyright laws in the digital age, the majority of participants in our crowdsourcing process (i.e. 26,894 out of 40,079) selected “Protecting Free Expression” as their first priority. As such, in this report, to prioritize free expression we propose an agenda for copyright with four components: prevent censorship; protect fair use and fair dealing; promote access and affordability; and create clear rules to govern the sharing of knowledge and culture online.

3.

EMBRACE DEMOCRATIC PROCESSES

The results of our crowdsourcing process were clear: over 72 percent of respondents wanted to see copyright laws created through “a participatory multi-stakeholder process...that includes Internet users, creators, and copyright law experts.” We therefore strongly recommend that political leaders abandon closed-door processes like the Trans-Pacific Partnership (TPP), and instead focus on designing participatory, democratic and transparent forums for the creation of copyright laws that can keep pace with our rapidly changing technology and culture.

We believe that by fostering the key elements of free expression in the digital age outlined above, we can truly unlock the potential of the open Internet to democratize knowledge and culture. There are undeniable challenges that come with a rapid shift to a new medium of expression; but what we’ve found is that, in contrast to stereotypes, Internet users are very respectful of the unique needs of creators and knowledge producers in the digital world.

As digital technology is increasingly a driving force in the way we interact as a society, copyright rules will play a more fundamental role in our lives. Making rules that are fair, easily understood by everyday Internet users, and created with the input and approval of the many groups and people whose lives will be directly affected, is the best way to ensure that the digital future belongs to all of us.

¹¹ See “Appendix: Methodology” for full results for the drag-and-drop crowdsourcing tool.