

# **WEB 2.0 Landscape – Access and Reuse as a Driver of Innovation**

**“Efficiency, Quality and Impact”**

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# Web 2.0

- Rich interactive web beyond passive hypertext of Web 1.0
- Social networking and messaging – Facebook
- User generated – YouTube
- Peer production – Wikipedia
- Distributed Knowledge – Google Search Engine
- Serendipity of action - Mashups
- An ability to communicate across the world to large numbers of people cheaply - network

# What does it mean for government?

- *Power of Information Report* (UK Cabinet Office 2007)
- *Participative Web* (OECD 2007)
- *Venturous Australia* (2008)

# Power of Information - UK

- The way government manages information is changing – blogs, user-generated input – administration and policy making, Howard and Rudd's use of Myspace and YouTube – consultation - sites such as [fixmystreet.com](http://fixmystreet.com)
- Richard Allan – Cisco – Chair of Power of Information Advisory Board – former MP in the UK
- Government sponsored competitions on data mashups
- Government asking people how they can share better  
<http://www.showusabetterway.com/>
- Public Sector Information Unlocking Service (beta)  
<http://www.opsi.gov.uk/unlocking-service/OPSIpage.aspx?page=UnlockIndex>

# Finance Minister Lindsay Tanner

"The rise of internet-enabled peer production as a social force necessitates a rethink about how policy and politics is done in Australia," he said.

"In the longer term, governments will have to adapt to information's new online centre of gravity."

"This is not an undesirable thing; there are significant opportunities for government to use peer production to consult, develop policy and make closer connections with the citizens it serves."

Mr Tanner said the Government not only had to adapt to a world moving online, but would have to do so at an ever-increasing pace.

"As a huge creator and manager of information with an obligation to be open and transparent, we have little choice," he said.

<http://www.australianit.news.com.au/story/0,27574,24601440-15306,00.html>



# Innovation

## Minister Kim Carr

“We want the research conducted in universities and public research agencies to inspire and inform fresh thinking across the community. The more collaboration and interaction there is between researchers and the society around them, the better. It follows that research and research data should be widely disseminated and readily discoverable. .. The results of publicly funded research should be publicly available. ... More accessible information equals more robust debate equals a stronger national innovation system.”

“There is More than One Way to Innovate” 7 Feb 2008  
<http://minister.industry.gov.au/SenatortheHonKimCarr/Pages/>



# Open Innovation

- In 2000 Goldcorp issues global challenge to find new deposits in Red Lake Mine in northern Ontario Canada
- Releases 50 years of mining data in an industry that is careful about its secrets
- Nicholas Archibald and his company in Western Australia - Fractal Graphics now Geoinformatics Exploration Inc., “used sophisticated software to create 3-D electronic models of underground rock formations, pinpointing five sites where they thought Goldcorp would find new veins of gold. The winner's take was peanuts -- just US\$105,000 -- but for Archibald the real prize would be exposure. Almost needless to say, he won the contest.” : K. Macklem, *Pixels, not pickaxes, Deskbound computer jockeys are the hottest thing in modern mining exploration* (2005)

# Open Innovation

- Goldcorp pursued the leads given in the contest
- Share price quadrupled
- Went from a 100 million dollar company to a 9 billion dollar company
- Now worlds most successful gold mine



# Open Innovation

“McEwen CEO of Goldcorp realized the uniquely qualified minds to make new discoveries were probably outside the boundaries of his organization, and by sharing some intellectual property he could harness a powerful new force—mass collaboration. In doing so, he stumbled, successfully, into the future of innovation, business, and how wealth and just about everything else will be created.

# Open Innovation

“Today, thanks largely to the Internet, the kind of creativity and innovation that used to take place primarily within corporate walls, increasingly takes place over large amorphous networks of peers. Millions of people already join forces in self-organized collaborations such as Linux and Wikipedia that produce dynamic new goods and services that rival those of the world's largest and best-financed enterprises.” Tapscott and Williams, *Innovation in the Age of Mass Collaboration*

[http://www.businessweek.com/innovate/content/feb2007/id20070201\\_774736.htm](http://www.businessweek.com/innovate/content/feb2007/id20070201_774736.htm)



# “Access” Based Innovation

- We need to provide it with the copyright clearances in advance – so that downstream quantifiers can be multiplied
- Access based model rather than a control model of information distribution and knowledge creation



# Knowledge

- We live in age where access to and reuse of digital content has become a key driver to social, cultural and economic innovation as linear models of production are rapidly being supplanted by more distributed, collaborative, user-generated, diverse and open networking models.
- As much of this digital content is copyright protected lawyers have been challenged to find new ways of managing copyright in order to harness the potential of the new networked technologies – Web 2.0 and the Semantic Web. One of these has been the rise of open content licensing (Creative Commons (CC) being the most well recognised licence) and its implementation world wide.

# Copyright

- Exclusive economic rights of copyright owner to (amongst other things) reproduce and communicate to the public
- Moral rights of the author
- Permission needed to do acts that come within exclusive rights of copyright owner
- Unless a permission is found elsewhere – e.g. fair dealing, other exceptions, statutory licence

# Licence

- A licence is a permission from the copyright owner to do acts that fall within the ambit of the exclusive economic rights



## 2 Default Rules = Gridlock

1. General rule: you cannot use copyright material without the permission of the copyright owner
2. In the digital environment we automate the potential for reproduction and communication to the public through use



# CC - Make Copyright Active

- Creative Commons arose to address this situation by providing a generic and automated process of providing permission in advance through labelling content with a badge that linked to a flexible set of licensing conditions. Using these as you create content allows a downstream re-user to work with the material without fear of being sued. Today CC is a global cultural and economic force harnessing the value of social networking and internet technologies through greater access to knowledge and culture.

# CC - 4 Protocols

- **Attribution:** Other people may use, modify and distribute the work, as long as they give the original author credit.
- **Non-commercial:** Other people may use, modify and distribute the work, but for non-commercial purposes only.
- **No derivatives:** Other people may use and distribute the work, but can not modify it to create derivative works.
- **Share alike:** Other people may modify the work and distribute derivatives, but only on the condition that the derivatives are made available to other people on the same licence terms. This term can not be used with the **No Derivatives** term, because it applies only to derivative works.

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



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This website is currently in draft and development stage and has not been officially launched. When lauched this site will be located at [www.climateshaper.com](http://www.climateshaper.com)

## basics

the science that contributes to climate change

## Impacts

the impacts of climate change

## actions

its your part to reduce climate change

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## Vision

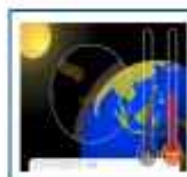
To develop a climate change web portal that utilises a variety of multimedia communication tools that educate the audience of the impacts of climate change and provide a mechanism to influence behaviour change. [Read more about this website.](#)

## Sponsorship opportunity to be involved

1. Modules that explain the science and impacts of climate change
2. Modules that outline actions that individuals, business and governments can take to address climate change
3. Partner the development of a modeling application that integrates various climate change data and scientific research to support the forecasting of climate change scenarios
4. Overall funding partners to the development of the "weathermaker.org"

[More information and download the sponsorship brochure](#)

## Featured Modules



### Global Warming Effect

This animated module explains the science of the global warming effect.



### The formation of Coal

This animated module explains the science of how coal is formed.

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**Attribution.** We let others copy, distribute, display, and perform our copyrighted work — and derivative works based upon it — but only if you give credit the way we request.

**Giving credit to us (Attribution) is defined as:**

**Online work:**

- you must include the title of the work with a link to the download page and "by the WeatherMaker project" which will link to the homepage of the our website. For example: [Golden Toad Mobile](#) by [The WeatherMaker Project](#).
- If using less than 60% of the work, use a description of the part of the work you are using rather than the title eg [Golden Toad design](#) by [The WeatherMaker Project](#)
- If using more than 60% of the work, you must keep intact all credits and sponsorship information that is part of the work
- Font size and colour must be clearly visible and legible.

**Offline work:**

- you must include the title of the work with a link to the WeatherMaker homepage. For example: [Golden Toad Mobile](#) by [www.weathermaker.org](#)
- If using less than 60% of the work, use a description of the part of the work you are using rather than the title. For example: [Golden Toad design](#) by [www.weathermaker.org](#)
- If using more than 60% of the work, you must keep intact all credits and sponsorship information that is part of the work
- Font size and colour must be clearly visible and legible.

**This means...**

As long as you credit as above, you can copy, distribute, display, perform, cut, mix, remix, edit and add to the work. If you use it as part of your work, you may call your work without the payment of royalties.

**Why Creative Commons rather than traditional copyright?**

Climate change is the largest issue facing mankind. We need to innovate to create change... and fast. The best way to do this is share ideas and innovation so others can build on it. Creative commons assists in speeding up the development of ideas, innovation and the application of these.

Creative Commons will allow all the resources created as part of the WeatherMaker Project to be reused, repurposed and redistributed to further spread the message of climate change and it's

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# Venturous Australia

## Recommendation 7.7

Australia should establish a National Information Strategy to optimise the flow of information in the Australian economy. The fundamental aim of a National Information Strategy should be to:

- utilise the principles of targeted transparency and the development of auditable standards to maximise the flow of information in private markets about product quality; and
- maximise the flow of government generated information, research, and content for the benefit of users (including private sector resellers of information).

# Venturous Australia

- **Recommendation 7.8**

Australian governments should adopt international standards of open publishing as far as possible. Material released for public information by Australian governments should be released under a creative commons licence.



# OECD PSI Principles

- *Copyright.* Intellectual property rights should be respected. There is a wide range of ways to deal with copyrights on public sector information, ranging from governments or private entities holding copyrights, to public sector information being copyright-free. Exercising copyright in ways that facilitate re-use ... and encouraging institutions and government agencies that fund works from outside sources to find ways to make these works widely accessible to the public.

# OECD PSI Principles

- *Pricing.* When public sector information is not provided free of charge, pricing public sector information transparently and consistently ... Where possible, costs charged to any user should not exceed marginal costs of maintenance and distribution ...
- [www.oecd.org/dataoecd/0/27/40826024.pdf](http://www.oecd.org/dataoecd/0/27/40826024.pdf)

## Data Access in Canada: CivicAccess.ca *Tracey P. Lauriault, Hugh McGuire*

- There is a global movement to liberate government-"owned" data sets, such as census data, environmental data, and data generated by government-funded research projects. This open data movement aims to make these datasets available, at no cost, to citizens, citizen groups, non-governmental-organizations (NGOs) and businesses. The arguments are many: such data spurs economic activity, helps citizens make better decisions, and helps us understand better who we are and where we are going as a country.
- Currently, access to government data is hampered by four main factors: i) the high cost of available data sets; ii) arbitrary decisions about availability of data sets to the public; iii) restrictive licenses; and iv) inaccessible data formats.



## **Data Access in Canada: CivicAccess.ca** *Tracey P. Lauriault, Hugh McGuire*

- The long-term vision is a country in which citizens, specialists, professionals, academics, community groups and even businesses can work together, developing innovative information access and visualization tools, better decision-making models, and more tools responsive to the needs of the citizens. Liberating data will spur grassroots research on important social, economic, political and technical areas, currently hampered by lack of access to and high cost of civic data. Further, we want to link the debate about data to questions of government transparency and accountability, which pivot on access to accurate, reliable, and timely data.

- **Why Free Civic Data?**

In a wider, less technical sense, "data" are what we use to make decisions, so they are a public good. We use data sets to make decisions about how we as individuals should act, and how we as a society ought to do things. All the rules that govern our societies, from agricultural practices to cooking, to our law systems and social interactions, are the result of our interpretation of the interaction between different data sets over time.

Our ability to collect, analyze and interpret these data, and to make decisions based on them, is what gives humans our particular ability to solve societal problems such as food shortages, disease infestations, and resource depletion.



# References

- B. Fitzgerald, A Fitzgerald et al *Internet and E Commerce Law* (2007) – Chapter 4 – especially 260-269
- B Fitzgerald et al (eds) *Open Content Licensing: Cultivating the Creative Commons*, (2007) Sydney University Press, Sydney
- B Fitzgerald “Structuring Knowledge Through Open Access: The Creative Commons Story” in C Kapitzke and B Bruce (eds.) *New Libraries and Knowledge Spaces: Critical Perspectives on Information Education* (2005) Lawrence Erlbaum and Assoc. 271
- B Fitzgerald “The Role of Open Content Licences in Building Open Communities: Creative Commons, GFDL and Other Licences” (with N Suzor) in C Kapitzke (ed) *Rethinking Intellectual Property* (2007) Sense Publishing
- J Coates, “Creative Commons – The Next Generation: Creative Commons licence use five years on” (2007) 4:1 *SCRIPTed* 72

# References

- 2005-2006 - Stage 2 Report of GILF Project – Access to Government Information and OCL – An Access and Use Strategy  
<http://www.qsic.qld.gov.au/>
- November 2006 – “Unlocking the Potential” E Bledsoe, J. Coates and B Fitzgerald *Unlocking the Potential Through Creative Commons: an industry engagement and action agenda*, August 2007  
<<http://creativecommons.org.au/unlockingthepotential>>
- July 2007 – First National Summit – Qld Parliament House – Conference Report on the Australian National Summit on OA to PSI - <http://www.qsic.qld.gov.au/>
- March 2008 - Second National Summit  
<http://datasmart.oesr.qld.gov.au/Events/datasmart.nsf/0/D5A62A2C8FAA54754A2573D40018342A?OpenDocument>  
<http://www.osdm.gov.au/Events/182.aspx>

# References

- B Fitzgerald, F Goa, D O'Brien and S Shi (eds), *Copyright, Digital Content and the Internet in the Asia Pacific (2008)* Sydney University Press <http://eprints.qut.edu.au>
- B. Fitzgerald, "It's vital to sort out the ownership of ideas" February 27, 2008, *The Australian* (Higher Education Supplement) <http://www.theaustralian.news.com.au/story/0,25197,23280526-25192,00.html>
- J Coates, N Suzor and A Fitzgerald *Legal Aspects of Web 2.0 Activities (2007)* <http://creativecommons.org.au>
- B Fitzgerald, "Copyright 2010: The Future of Copyright" [2008] *European Intellectual Property Review* 43 <http://eprints.qut.edu.au/archive/00013305>
- B Fitzgerald (ed.) *Legal Framework for e-Research: Realising the Potential (2008)* Sydney University Press <http://eprints.qut.edu.au>
- M Perry and B Fitzgerald (eds.) *Knowledge Policy for the 21<sup>st</sup> Century (2008)* Irwin Law Canada (forthcoming)

# Biography – Professor Brian Fitzgerald

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Brian Fitzgerald is an internationally recognised scholar specialising in Intellectual Property and Cyberlaw. He holds postgraduate degrees in law from Oxford University and Harvard University and his recent publications include *Cyberlaw: Cases and Materials on the Internet, Digital Intellectual Property and E Commerce* (2002); *Jurisdiction and the Internet* (2004); *Intellectual Property in Principle* (2004) and *Internet and Ecommerce Law* (2007). Brian is a Chief Investigator and Program Leader for Law in the ARC Centre of Excellence on Creative Industries and Innovation and Project Leader for the Australian Government funded Open Access to Knowledge Law Project (OAK Law) and the Australian Government funded Legal Framework for e-Research. He is also a Program Leader for the CRC Spatial Information. His current projects include work on intellectual property issues across the areas of Copyright, Digital Content and the Internet, Copyright and the Creative Industries in China, Open Content Licensing and the Creative Commons, Free and Open Source Software, Research Use of Patents, Patent Transparency, Science Commons, e-Research, Licensing of Digital Entertainment and Anti-Circumvention Law. From 1998-2002 Brian was Head of the School of Law and Justice at Southern Cross University in New South Wales, Australia and from January 2002 – January 2007 was Head of the School of Law at QUT in Brisbane. He is currently a specialist Research Professor in Intellectual Property and Innovation at QUT. He is also a Barrister of the High Court of Australia.

