Standards for Sustainable Digital Culture

Background paper for a workshop proposal for the 2012 IGF

In view of Article 15(1) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, it is an internationally recognized human right of everyone :

> *(a) To take part in cultural life;*

> *(b) To enjoy the benefits of scientific progress and its applications;*

> *(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*

Consequently, all actors in Internet governance have corresponding responsibilities.

The traditional mechanism for achieving aspect (c) of this human right is copyright law. However, in the Internet context, copyright law has turned out to be incredibly difficult if not impossible to enforce against consumers who use „filesharing" software, and in fact effective enforcement in that context may not be possible without violating aspects (a) and (b) of this human right as well as other fundamental human rights such as *the freedom of communication.*

These are serious challenges not only from the perspective of musicians and other artists (it was never easy to earn well by contributing to culture, but this might be getting still harder) and from the perspective of record labels (who will of course find it challenging to reinvent their business models in a world that is been changed by the Internet so significantly) but also from the perspective of governments, as the following recent answer from the EU Commission to a parliamentary question[1] demonstrates:

> 1. The Commission plans to adopt in the first semester of 2012 a proposal on collective rights management that will aim, among other objectives, to facilitate the licensing of copyright for online music services. [...]

> 2. [...] general filtering of electronic communications would raise problems of compatibility with EC law. [...]

> 3. The Commission is currently carrying out a review of Directive 2004/48 on the enforcement of intellectual property rights. In doing so, it will pay particular attention to striking the right balance between the protection of intellectual property rights, the freedom to conduct business, the protection of personal data and that of the freedom of information.

The IGF workshop "Standards for Sustainable Digital Culture" will explore a different and complimentary idea for improving the situation: If every digital music file is clearly tagged with a hyperlink to the website of the individual musician or group of artists[2], it may become worthwhile for them to spread these music files far and wide[3], so that many fans will visit their website and spend money there. In this way it could be possible to realize aspect (c) of the above-quoted human right without repressive measures against filesharing.

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1   Source: http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-001900&language=EN

2   Simply including a website URL is an immediately needed measure that can be implemented easily. It is important however to design the details in consideration of long term needs so that what is standardized now will continue to be viable in "wireless grid" contexts, see Lee W. McKnight, James Howison, Scott Bradner: *Wireless Grids— Distributed Resource Sharing by Mobile, Nomadic, and Fixed Devices.* IEEE Internet Computing, vol. 8, no. 4, pp. 24-31, July/Aug. 2004, doi:10.1109/MIC.2004.14, http://www.computer.org/csdl/mags/ic/2004/04/w4024.html .

3   This is by no means a new idea. E.g. 20 years ago the SMPTE header/descriptor standard already included a flexible 'pay if you want/if the content owner explains how' mechanism, see http://journal.smpte.org/content/101/6/411.

This idea can be implemented and evaluated without changes to international or national law, since e.g. Creative Commons licenses can be utilized to ensure that filesharing is possible without violating copyright law.

What is needed however is work on the data format standards for digital music files and to update the software that people use to manage the music files they listen to, so that the links to the artists' websites will be prominently visible and easy to follow.

In particular, the international standard which defines the MP3 data format (ISO/IEC 11172-3) has not arrived in the Internet age yet. Reasonable metadata fields are however defined in an Internet-published specification (which the author calls an "informal standard") for what is called "ID3-tags". Some of the ID3 metadata fields are widely implemented and widely used.

However the ID3 specification has in itself not had the effect of making it easy for music fans to visits the artists' websites. Part of the reason for this may be that the metadata format has not (yet) been formally standardized. Probably another part of the problem is that the particular importance of the "artist/performer webpage" field is not emphasized in the specification nor in the general discourse in society regarding the economic effects of filesharing on the economic interests of artists and other contributors to digital culture.

The proposer of this workshop is since a few years a member of the ISO/IEC working group on Software Asset Management (ISO/IEC JTC1 SC7 WG21), where the definition of "software assets" is broad enough to include not only "executable software" such as computer programs but also digital information goods of other kinds. Addressing the above-mentioned standardization problem at the general level therefore falls within the remit of this working group, while aspects that are specific to MP3 and other standardized audiovisual files are in the remit of ISO/IEC JTC1 SC29 WG11.

NOTE: If the workshop proposal is accepted, the proposer will write in addition an in-depth technical background paper discussing various relevant technologies and standards that should be taken into consideration including the Simple Metadata Profile of MPEG-7 part 9, ISO/IEC 19770-2 (software identification tag), ISO/IEC 11179 (metadata registries), RFC 5013 (the Dublin Core metadata element set), Ogg Skeleton, ISO 3901 (International Standard Recording Code).

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