RIGHT TO CULTURE

FUTURE SCENARIOS

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SCENARIOS FOR FUTURE CREATION, SHARING AND USE OF CULTURE AND
THE ASSESSMENT OF ITS IMPACT ON THE STATE OF SOCIETY, CULTURE,
EDUCATION, CREATIVE SECTOR AND COPYRIGHT SYSTEM
IN EUROPE IN THE PERSPECTIVE OF 2040

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THE RIGHT TO CULTURE. FUTURE SCENARIOS

INTRODUCTION

Jarosław Lipszyc

The above report of the meetings of experts does not start with a methodological introduction, but a fairy tale written by Aymeric Mansoux to the literary contest "Future of Copyright" (2012), organized by the Modern Poland Foundation. Using a matrix of Vladimir Propp's classic work on the structure of fairy tales, Mansoux is looking for answers to the question of the author, and participation in culture. Therefore, he leads his female character through the twists and turns of copyright and communications technologies, where she collides with symbolic protagonists and is looking constantly for ways out from the situation with no way out.

In the abundand with meanings fairy tale by Mansoux one thing is striking: the total lack of belief that the response to the crisis caused by a collision of intellectual monopolies with the practice of communication through electronic media can be a "free culture" project based on voluntary licenses and the resulting business models. Ten years ago the success of free software, which has created real and existing alternatives to proprietary software, gave hope that a similar effect can be achieved in other areas of the circulation of information. We believed that, by using and promoting licensing mechanisms, we can "hack the system" and create an alternative to the system within the system. Today, we know well that this is not true. It is true that in some areas free licenses are an effective tool for the recovery of subjectivity by authors and users of informaton (and a good example here is probably the movement of free educational resources), but in a broader cultural practice this tactics is simply ineffective.

Culture is always built on existing narratives. You can not participate in the processes of social communication in isolation from pre-existing myths, memes, songs; you need to use them in constructing your own messages. Culture is not a tool that - like software - we use to achieve pragmatic goals. Culture is our identity.

Therefore the only solution Mansoux sees is the total abolition of the system of exclusive rights. Does this literary diagnosis go too far? Probably so. But not without a reason the recently announced draft of the European Commission's work on copyright is entitled "In the pursuit of new consensus ...". The copyright law is

currently the most discussed element of the European and global legal order. From the protests against ACTA (the most mass demonstrations in Poland since 1989) to this year's public consultation of copyright by the European Commission, in which a record of 9.5 thousand citizens and companies participated sending in over 11 thousand comments, the copyright law awakens emotions.

But although the reform of the system now seems inevitable, the direction of change is still uncertain. Copyright law is a lens focusing a lot of different and complex problems – from issues related to fundamental rights such as freedom of speech, freedom of communication and right to privacy, through constitutional models of political life, to tectonic changes in the markets caused by technological changes. The status of this legislation determines not only the work of many business sectors, but also the basic issues related to communication of hundreds of millions of people, a lot of citizens treating copyright law as a way of earning a living, level of education, or the operation of high culture. Therefore, sets of political values are strictly associated with the copyright regulations.

Presenting to you the results of workshops devoted to reflection on the future of communication by the media and cultures in the era of the information society, we need to point out the difficulties associated with the speculative and somewhat abstract nature of the work done by us. We have adopted the form of work inspired by the methodology of foresight. Exploratory workshops, to which we invited experts from many different fields, were meant to indicate possible directions of change in Europe in the perspective of 2040.

It soon turned out that the key to outline the future of copyright and operating models of culture are two axes: position of intermediaries in the process of social communication and direction of public policies in the field of communication. The construction method, and the scope and stringency of intellectual monopolies are mainly due to the latter, but legal solutions are derived from the game of many different actors, the

authorities being only one of them. For example, international treaties taking precedence over the local legal system are even in democratic countries proceeded beyond any social control.

Basing scenarios for the future on these two axes is also reflected in our diagnosis that the two most important trends of development of communication by the media are the development of monopolies towards their mediation in communication (including the circulation of culture) and the continous increase of areas seized by intellectual monopolies. These trends can be metaphorically called "Facebook iceberg" and "Amazon iceberg". The first is the model of a centralized communications system which monetizes privacy, the second is a model of centralized distribution system which monetizes monopoly on access to content. Of course, in business practice we observe various hybrid solutions, an important role being also played by suppliers of equipment and financial services, but for analytical purposes this model is roomy enough to be able to serve the description of reality. It is important that both models assume the intermediaries control over communications processes. An unattended sphere from the point of view of business is a loss, and its existence means narrowing of the field on which the circulation of information is commercialized. However, similarly as the existence of public space in cities or public services in the country, the existence of the uncontrolled communicational space is crucial from the point of view of the public interest. Democracy and standing behind it civic ideals of subjectivity can not exist in an environment where freedom of speech and freedom of communication become empty platitudes due to the lack of Agora not under control. The more Amazon iceberg is coming to Facebook iceberg, the less space remains for the boat of freedom to glide.

Only two decades ago, it seemed that the societies braided by communications network would defend themselves. Slogans such as "Information wants to be free" by Stewart Brand and "Network defines censorship as damage and celebrates it around" by John Gillmore were extremely successful in 1990, and the

myth of the Web as the space of unfettered freedom is sometimes taken as fact, what with the aftermath of calls for different "Twitter revolutions." In practice, of course, freedom of speech is primarily due to standards of public life, and the Internet media are prone to control and manipulation to the same extent as traditional mass media. The emancipatory potential of technology has been definitely overpriced, and this means that the freedom of communication has to be arrived at by political means. Therefore, the communications regulations (including copyright) are so crucial to the information society.

Sadly, we have to assume that none of the scenarios for the future, which are the result of the work of the expert group, presents itself as a utopia fulfilled and the Promised Land. Regardless of which direction we will develop our civilization, dilemmas, problems and difficult compromises are waiting for us. According to the well-known thesis democracy is a method of avoiding the worst solutions, rather than choosing the best. We hope that our report will help identify the directions of change that lead to disaster. To avoid them.

MORPHOLOGY OF A COPYRIGHT TALE

Aymeric Mansoux

THIS TEXT IS BASED ON THE WORK FROM VLADIMIR YAKOVLEVICH PROPP IN HIS 1928 ESSAY "MORPHOLOGY OF THE FOLKTALE". BY STUDYING MANY RUSSIAN FOLKTALES, PROPP WAS ABLE TO BREAK DOWN THEIR NARRATIVE STRUCTURE INTO SEVERAL FUNCTIONS, LITERALLY EXPOSING AN UNDERLYING THIRTY ONE STEP RECIPE TO WRITE NEW AND DERIVATE SIMILAR STORIES.

1. Absentation

Once upon a time in the wonderful Folklore Valley, a creator wonders about the becoming of her memetic folktale legacy and decides to take some distance from the anonymous creative practices of her community.

2. Interdiction

The creator is warned by a giant caption. It reads: "Do Not Want".

3. Violation of interdiction

Despite the viral warning, the creator leaves her community and starts to sign her work as a mean to legitimate her individual contribution to the folktale scene.

4. Reconnaissance

On her way to authorship, she encounters the Lawyer and the Publisher.

5. Delivery

The Lawyer delivers rights to the creator.

6. Trickery

The creator becomes the Author.

7. Complicity

At this point the Author and the Publisher begin to promote copyright laws in the Folklore Valley.

8. Villainy and lack

With the help of the Lawyer, the Publisher uses the Author as an excuse to transform the Folklore Valley into a profitable folktale factory.

9. Mediation

The Author receives distressed calls from another creator persecuted by the Publisher for making a derivative work from a copyrighted folktale.

10. Counteraction

The Author hears the sound of a flute. The free melody comes from a campsite, beyond the Folklore Valley.

11. Departure

The Author leaves the, now fully copyrighted, Folklore Valley and heads toward the campsite, attracted by the melody of this open invitation. The Lawyer is following her from a distance.

12. Testing

Arrived at the campsite, the Author learns from the Man with a Beard, that useful information should be free. And by free he is not referring to its price. The Lawyer, hiding, is listening attentively. The Man with a Beard resumes his flute practice.

13. Reaction

Leaving the campsite, the Author wonders whether or not cultural expressions can also be free and, somehow, now liberated from copyright.

14. Acquisition

The Lawyer appears in front of the Author and hands over free culture licenses.

15. Guidance

With the help of remix culture, the Lawyer uses the Author as an excuse to transform the Folklore Valley into a techno-legal free for all bureaucratic maze.

16. Struggle

With licensing proliferation, the Author cannot cope with the increasing complexity linked to her practice. She feels that she lost all control over her work, just so it can be used as fuel for the ever expanding information network nurtured by the Lawyer and the Publisher.

17. Branding

Regardless of what her true intentions are, her whole body of work gets tattooed with different logos, iconic representations of supposedly human readable deeds that all rein-force the many conflicting ideologies, commercial interests and beliefs now rationalized by copyright laws and their different copyleft-inspired hacks.

18. Victory

The only escape left is to ignore copyright, no matter what. Leave everything behind, a small personal victory, over the techno-legal machine, but a first step towards the liberation of the Folklore Valley.

19. Resolution

As a result, the Author becomes Pirate of her own work, of any work, once again. She puts on an eyepatch.

20. Return

The Pirate returns to the, now fully copyfreed, copyrighted, copylefted and copyfarlefted incompatible and fragmented Folklore Valley. The Publisher and the Lawyer make sure everything is tidy and sound. Vladimir Propp's Morphology of the Folktale becomes a patented algorithm for a freemium manufacture that feeds itself automatically from the aggregation of open content produced by the Folklore Valley's creators.

She has something to say about that.

21. Pursuit

The Publisher and the Lawyer, who see the presence of the Pirate as a serious threat to their information empire, start several campaigns of misinformation to question the legitimacy of the Pirate to comment on anything but her unlawful, therefore moralistically evil, activities.

This undermining process is strengthen by increasingly aggressive, punitive and gratuitous repression mechanisms towards any creators who might want to follow her foot-steps.

22. Rescue

The Pirate escapes for a while from the Publisher and the Lawyer by using the underground networks of tunnels and caverns right under the, now fully tracked, logged, cloudified and gamified, Folklore Valley.

23. Arrival

Eventually, the Pirate decides to face the surface of the Valley instead of living the rest of her life as some underground rat. She emerges right in the middle of an astonished crowd of brainwashed creators and template-based folktales.

24. Claim

The Publisher and the Lawyer steps in and deliver the usual moralistic speech, the one that kept the creators of the Folklore Valley quiet and under control all this time. The fear of being stolen can be felt in all the tales, panic is about to break loose.

25. Task

The publisher and the Lawyer challenges the Pirate. They argue that she has no rights to comment on the situation. She is merely a parasite, a free rider who has no clue of what is at stake.

26. Solution

The Pirate drops her eyepatch.

27. Recognition

All of sudden all the creators recognise the Author. The one Author who once started to sign many of the folktales that are now used as licensed templates in the tale factories planted by the Lawyer and the Publisher.

And they all listen to her...

28. Exposure

The Author explains her journey. Since her individualistic awakening she started to initiate many experiments and ways of working with her medium, using others' material directly or indirectly. She was interested in as many collaborative methodologies as there were colours in the world.

She explains that, as her practice grew, she felt the need to sign and mark her work in a way or another, and was confused about this sudden paradox: on the one hand her desire to be just this simple node in this continuous stream of creativity, and on the other hand she had this instinctive need to stand above her peers, to shine and be visible for her own contribution. She also tells them about her needs to simply make a living and therefore, why she genuinely thought copyright was a fair model, harmless for her audience and peers. She says that she equally failed to understand that the freedom they once had as a community of folktale creators cannot be emulated through contract laws, no matter what good intentions drive them.

She concludes that at every stage of her quest to understand the very fabric of culture, the Publisher and the Lawyer were present to enable and support her experiments, yet slowly getting stronger and out of control. If anything at all, she feels responsible for letting them decide how her work, how culture, should be produced and consumed.

She apologies.

29. Transfiguration

The Author becomes a creator, once again.

30. Punishment

The Publisher's and the Lawyer's work is undone. Copyright is banned from the Folklore Valley.

31. Wedding

The creator marries another creator. They live happily ever after, creating many new folktales.

As for the Man with a Beard, I was told that he turned his campsite into a brewery, but that's another story...

WAITING FOR A BREAKTHROUGH

Edwin Bendyk

THE FUTURE IS ALREADY HERE —
IT'S JUST NOT VERY EVENLY DISTRIBUTED,
SAYS WILLIAM GIBSON, THE CO-CREATOR
OF CYBERPUNK AND AUTHOR OF THE CULT
NEUROMANCER.

The concept of cyberspace had appeared for the first time in a book by William Gibson, long before the Internet became popular, so let's trust Gibson's intuition and go in search for the future.

The most radical scenario for a future can be found very easily, look for a signpost with the inscription "Singularity" pointing towards Silicon Valley. There arise not only technologies of tomorrow there, California headquarters of an online business is a utopia, a place beyond time and space, where the Brave New World is forged. It is expected to come somewhere in the middle of this century, after reaching the "Singularity" - an evolutionary jump, induced by merging technology with biology. The true Artificial Intelligence will become a fact, and the man will become immortal.

True, culture has been thriving on such tales for centuries. This time, however the zeal of "singularists" goes beyond harmless, Faustian fantasies – there are powerful people behind them, the heads of Web corporations disposing of billions of dollars. They invest not only in the development of services for the digital people, but they also want to approach the moment of Immortality. If they succeed, as Zygmunt Bauman pointed out in one of his latest books, culture is over. Due to the cessation of its most important function - dealing with the irreversible terminality of human life.

This seemingly obvious track pointing to the Silicon Valley as a place where you should look for the future, therefore, leads to a dead end. The Californian utopia is extremely trivial, and it culminates in the death of culture. Whether it will happen, we do not know. We cannot , however, exclude the possibility that in the end Doctor Faustus is successful, but then there will be nothing to discuss any longer. The most interesting today seems to capture the moment at which culture began to regard itself (its death or metamorphosis) as the food for reflection and performances. This moment came during the Paraolympics in London in 2012, which were designed in the truly Nietzschean style. Ads preparing the audience to welcome the disabled athletes shouted: "Meet the Superhumans!". On billboards the running Blade Runner, Oscar Pistorius, urged : "Look at the results , not on your feet." The event was opened

by Stephen Hawking, a brilliant astrophysicist, one of the greatest minds of modern times. A special mind, too, because located in a virtually lifeless body. It can work and communicate with the world only through digital technologies. Thanks to them the scholar, half a century ago "sentenced" to death, today is a superman par excellence.

These are all show elements, however, staged by the organizers of the Games. But what happened during the end of the Paralympic Games, when on the streets of London over a million people applauded the athletes, was not part of the script. Apparently, people understood the message accompanying the event and came out to pay tribute to the heroes who, from the status of "persons with disabilities" changed into supermen.

London 2012 confirmed what many seem not to notice: that we have already become a society of cyborgs, created by people with their complex electronic gadgets and identities distributed in the cyberweb. And that the society has created for itself a symbolic representation making a common expression of emotions and building of collectively understood meanings possible, in other words – it has created its own culture.

A manifestation of this new culture could be seen not only in London, the hyper-modern centre of the world, but also on its periphery, during Euromaidan in Kiev on the turn of 2013 and 2014. The crowd gathering on the square was not convened by some Central Committee or party – the first call to action appeared on Facebook. In response, thousands of people, or rather "ontological collectives" (people with their smartphones connected to the Web) came. Almost each action was mediated by the Web or at least spied by it. The Maidan was transformed into a hybrid space of action played out both in the real world and the digital dimension. Participants, like Internet data packets, commuted in the network, turning their virtual presence to the real presence, when the situation demanded it.

A dramatic illustration of the new identity and its culture was the message sent by Twitter, by a nurse Olesya Żukowska. Shot by a sniper she wrote: "I'm dying". Fortunately, doctors resuscitated her, but a few days

that passed on to her next message on Twitter, the global Internet crowd spent looking for information about the fate of the heroic woman.

Stephen Hawking surrounded by machines to read his thoughts, Oscar Pistorius and his prosthetics, Olesya Żukowska with her smartphone – these are new forms of subjectivity that we are still awkwardly trying to define, using such concepts as cyborgization, networked individualism, ontological collective. Regardless of the name, this subjectivity can express itself in the only way known to man – through culture.

In Kiev the Maidan culture had been to the end the strongest arms of the revolutionaries. And it was made of available symbols and codes: helmets and shields were covered with icons of the national heroes of literature – Taras Shevchenko, Lesya Ukrainian, Ivan Franko. At the same time in the social media there appeared references to Star Wars, Harry Potter or Lord of the Rings, as universal texts expressing the ideas of good and evil. Codes of cosmopolitan pop culture mingled with national and historical codes. In constant communication process the Web revolutionaries gathered in the Maidan created a new political community, a new collective identity.

New identification demands a new political and institutional expression, new structuring. Here, however, there is a problem – in the game there are still old institutions that based their legitimacy on factors that used to build the status of Modernity players. The influence and power in the field of culture used to depend not on the communication effectiveness, but on the ability to control limited physical resources and the use of associated violence. The need to control caused by limited at that time technical capabilities of radio frequency spectrum shaped the electronic media. The economics of printing determined to a large extent not only the structure of the publishing market, but also other print-related forms of culture, such as encyclopedias or newspapers. Similarly one can analyze the music and film market. This structure legitimized legal solutions, their task being to facilitate the production of cultural goods and the control of their circulation in the capitalist society. The key legal and

institutional solution was the system of copyright law. Its emergence and development can be interpreted as a system of translation and transmission of the aesthetic value to the economic value, the effectiveness of this being determined by the state.

Today, in the era of digital technology and the increasing importance of an economy based on intangible assets, when the final costs of production and distribution of more and more goods and services decrease to zero, the above legitimacy is eroded. Institutions that refer to it, however, do not intend to abdicate, but on the contrary, they are rather trying to master and capture the energy of the new revolutionary subjectivity or consolidate against it the incumbent establishment. It is a short term strategy and can not be successful, because the old forms do not conform to the culture of networked individualism. Its final shape we are not able to predict, although the absolute horizon defines the vision already described - Singularity, beyond which there is no culture. What is going to happen before this horizon? Responses are looked for by authors of scenarios published in this paper. They made a risky effort to reduce the complexity of the social world and identify the trends and factors that will determine the development of culture in the coming decades. The result are scenarios, none of which has to wait for its realization - they are not predictions, but the options for development of reality, depending on the factors determining the future. What will decide are individual choices of each of us, the networked individualists. It is therefore important to examine what forces determine our autonomy in the postmodernity. The key is to understand the Web, the environment in which and through which the networked individualists participate in social, political and cultural life.

AUTHOR, USER, INTERMEDIARY – IN THE SEARCH OF THE BALANCE

Miłada Jędrysik

THE TENSION BETWEEN RIGHTS AND PRIVILEGES OF AUTHORS, INTERMEDIARIES AND USERS OF CULTURAL WORKS IS AN INTEGRAL PART OF THE COPYRIGHT LAW SINCE ITS INCEPTION. THE PROLIFERATION OF THE INTERNET HAS STRENGTHENED THIS TENSION, THE SHAPE OF RELATIONSHIPS BUILT BY THIS LAW AND THEIR IMPACT ON SOCIAL LIFE BEING THUS WORTH DISCUSSING.

In 1827 Alessandro Manzoni, a renowned Italian writer, published the work that for the Italian culture is of similar importance as for the Poles the epic poem Pan Tadeusz written around the same time. This novel The Betrothed, a love story with a social fresco in the background, became the manifesto of "Italian spirit" so desired during the formation of modern unified state formerly split into kingdoms, principalities and republics of the Apennine Peninsula. A particularly important role in this process played the formation of the literary Italian language (in a world in which every major city used its own dialect). Manzoni, thanks to the popularity of his work, was given the role of a codifier of this language. But first he had to, as he put it, "wash his vocabulary on the banks of the Arno", i.e. learn the Florentine dialect , the language of Dante and Petrarch , regarded as the most classic . In the years 1840-1842 he published the final version of The Betrothed, devoid of Lombardian accretions (Manzoni came from Milano) .

However, three years later, the famous Italian publisher of French origin Felice Le Monnier issued the previous, non-canonical version of The Betrothed without asking Manzoni's opinion. There began a famous, 18 years' process for copyright. Manzoni finally won it.

So open violation of the will of the author, who was aware of the cultural and political significance of his or her work, draws our attention to the semantics of the Polish and most European term "authorship law". This term denotes the rights vested in the author, providing him or her with an income from work and the right to decide on its content. This is in Polish – in English we have "the copyright", i.e. the right to copy other people's work. And indeed, the British Statute of Anne of 1710, considered the first modern copyright law, because it gave the authors the right to print and reprint their work, in practice protected the interests of the cartel of London's largest booksellers, who had already purchased the property rights of authors.

And so, from that time, it will be with the more and more complicated matter of copyright law - the tension between rights and privileges of authors, intermediaries and users will be its integral, perhaps the most important, element for the next 300 years.

Anyone acquainted a little with the Anglo-Saxon culture knows "Happy Birthday To You", and everyone who learned English at school would sing this popular song in classroom. After all, it is one of the most recognizable pieces of music in English. Hardly anyone knows that for the public performance of "Happy Birthday To You" royalties are due. And they are due to Warner/Chapell Music, one of the branches of the largest American record company Warner Music Group.

The melody, which was composed by two American teachers, sisters Mildred and Patty Hill, was announced in print in 1893 (though with other lyrics). But it was only in 1935, when one of the record companies, which then took over Warner, reported it to the registry. At that time in the United States the copyright law was not acquired automatically the moment the work came into being, but you had to report your credit to the authorities, as in the case of patent mechanism. Well, today Warner claims that their rights to "Happy Birthday" will have expired by 2030. This assertion may be rebutted in court, because the company has been sued for it, and a lot of experts believe that the rights expired a long time ago.

For now, however, at least in theory, anyone who records for someone a happy birthday, and puts it on You Tube, for example, may get a bill from Warner. In 1995 Steve James, director of a popular documentary Hoop Dreams about two young baseball players from Chicago, had to pay 5 thousand dollars for a scene in which the family sings "Happy Birthday" to one of the characters on his 18th birthday.

The question whether copyright is the best possible (and perhaps the worst, but no one has invented anything better so far, as Churchill used to say about democracy) way to protect the rights of authors, or the mechanism driving profits of intermediaries at the expense of the authors and users will also accompany us from the time of the Statute of Anne. The more the development of technology and short-sightedness of politicians made the creation of information monopolies possible, the more the pendulum swung to the intermediaries. London booksellers were replaced by media companies, whose interests span the globe. And

the more powerful they are, the easier it is for them to make the copyright law serve their interests.

At the time of the Statute of Anne the protection period for new books amounted to no longer than 28 years from their publication. Today in the European Union countries it is 70 years from the death of the author, and therefore often more than 100 years from the publication. The acceleration of civilizational and cultural changes we are experiencing means that most of the works entering now the public domain are basically trash that may be of interest to only a group of enthusiasts.

It might seem that the extension of the term of copyright is a solution that serves the authors. But the vast majority of them have no chances for the edition of their works 69 years after their death, due to the aforementioned reasons. In addition to a number of works that are already readily available on the market, there would still be amateurs, but there are no chances for edition, because publishing companies are not interested. But surely the profits from "Happy Birthday To You", a song that from the point of view of its application and popularity is actually public property, are a tidbit. And the ones who earn are not heirs to the Hill sisters.

In 2012 on the streets of Polish cities one could see young people in strange white masks. The largest social protest at the time of crisis was directed not against unemployment or low wages, but ... an international agreement on the sale of counterfeit goods, known under the acronym ACTA. The Polish government, which during that period held the European Presidency, signed the agreement, but due to protests across Europe – in Poland they were the strongest – the European Parliament rejected it in plenary.

The wave of indignation over ACTA was the culmination of the second pole of the tensions due to copyright – between their owners and users of content covered by them. People wearing masks of Guy Fawkes on the streets of Polish cities showed that this pole is of particular importance today. Their protest was directed against the part of ACTA which concerned copyright violations on the Internet.

Why the agreement, tightening control over such violations and nearing the inevitability of punishment for them, aroused such emotions? Some will say it was about freedom of the Internet space. Others that it was about an ordinary theft, because young Poles were afraid that they would not be able to freely download music and TV series. Between the two opinions, marked by emotionally or morally biased statements, there lies a problem called the intellectual monopolies in the digital age.

London booksellers had to put up with "pirates" under the leadership of the greatest of them, Henry Hill (convergence of the surname with the famous gangster, whose memories served as the screenplay for Goodfellas, is purely accidental, so with the authors of the song "Happy Birthday To You"). Those "bunglers" issued books cheaply to the delight of the audience and the gnashing of teeth of the cartel. Therefore the Statute of Anne was a kind of muzzle for them.

This picturesque phrase "piracy" revived in 1990s, when it turned out that copyright law in the form it had been operating for nearly 300 years, was not able to reasonably regulate the new technologies. The emergence of audio compression methods in the mp3 file, e-book readers, digital cameras and camcorders meant that both the formation and copying of works had become as easy as never before. And their further dissemination on the Internet comes down to two clicks: copy – paste. Despite attempts to align copyright law with the new forms of cultural circulation, many users are still confused about its scope, or know it but do not accept it.

Blogs, social networks and services - each of us is here the creator, and the vast majority of this is made on non-commercial basis (although the profits from such creativity can simultaneously reap the owners pages on which it is presented). And of course we could act with respect to copyright, i.e. just in case not taking anything from the Web. But why a schoolgirl's blog about Harry Potter cannot be illustrated with film stills of him? Each situation when overzealous representatives of copyright holders threaten us with legal consequences, raises questions about the balance between the act and its legal assessment. In the European Union there holds

the principle of proportionality - the scope of the prosecution and punishment should be proportionate to the consequences of a breach of the law. It appears that in the case of copyright there is no balance.

I write these words before the issuance by HBO of the last episode of True Detective, already acclaimed the event of the season. To find out who is the ghostly Yellow King, a psychopathic murderer, whom with such dedication tracked Matthew McConaughey and Woody Harrelson I could subscribe to cable or satellite. Or watch the video on the site where other users share it with copyright infringement - for free, for a pittance, or in exchange for watching a few ads. What do I do if besides I am not interested in the HBO offer or cannot afford the fee? I will take my time, and the mystery of the Yellow King will be revealed by the comments of my Facebook friends? I am no saint, like most of us. I will choose the most comfortable way. And the Polish law does not punish for the "consumption" of a file obtained in violation of copyright laws. Is my behavior ethical? One could find both defenders and prosecutors in this case.

The belief that it is worthwhile to expand the scope of fair use in the copyright law and shorten its duration, in order to meet the challenges of the digital world and fix the imbalance between the author, the intermediary and the user is more and more present also in the political approach to the problem. This is reflected, for example, in the public consultation on the copyright reform in the European Union, completed in March 2014, led by the European Commission.

At the moment we are dealing the law being violated massively, which is obviously not the determinant of quality of this law. The French HADOPI act (in force from 2009), which assumed until recently cutting off the Internet access after the third case of breaking copyright law (this encompassing for example downloading movies from the network) has been relaxed in 2013. Nobody will take anyone's Internet anyway, just because of the disproportionate punishment in relation to the offense. Moreover, even during the four years of the HADOPI operation, only one person has been punished with a 15-day cut-off of the Web. And the cost

of the government agency, dealing mainly with sending e-mails, amounted to 12 million euros. So much effort and money have gone into the implementation of a utopia that could only be real in a world of total control and supervision. And if we do not want such a world, we probably also need to agree for the leaking system or construct it otherwise.

Anyway, the option to "turn a blind eye to piracy, because we earn anyway, and if someone likes the pirate copy, they may be willing to pay for better quality" seems to be shared by more and more rights owners. Paulo Coelho on his own blog gave even links to unauthorized e-books with his own novels, and the producers of hit TV series Game of Thrones and Breaking Bad expressed satisfaction with the great interest in their productions in the grey zone, counting on the fact that illegal users will eventually turn into subscribers.

The development and dissemination of such forms of content distribution as iTunes by Apple, where you can buy single songs, or streaming services like Spotify, Deezer or Netflix, for which you pay a subscription and – depending on its height – you can listen and watch without any limits or within limits of different heights, may also have an effect of reducing the grey zone of the digital content market. The question is whether anyone will benefit from them apart from intermediaries.

As usual, when an innovation turns out the existing order, opinions as to the direction of these changes differ. Proponents of the "old" will claim that only strict adherence to the copyright and exemplary punishment of those who exceed the standard may restore a sense of justice and defend shrinking profits. Their adversaries will pay attention to the fact that the loss is apparent (profits of the industry continues to grow), and the new economy offers a tremendous opportunity to manage the customer who will pay for the last episode of True Detective if access to it is easier than searching and restoring files from the Internet. Furthermore, this advantage for "liberating" of digital content – whether in the form of shortening the duration of copyright or extension of fair use, and finally open resources – will be invaluable in the social dimension.

We can already see that the problem of "intellectual monopolies in the digital age" extends from digital files to physical objects, which so far have managed to avoid the problem with digital multiplication. However, after the expiry in January 2014 of patents for 3D printers they have become cheaper and more accessible. So when faced with the problem of how to control the distribution of firearms in a situation where everyone can print a gun at home, it is just a small part of a much broader problem. If thousands of people desire to print out chairs by Philippe Starck, what to do to enable him and his heirs to reap the benefit?

Another invention, Google glasses, which can recognize people and objects and digitally reproduce them, in addition to privacy concerns also provokes questions about copyright at the time when copying – however impossible this might seem - will be even easier than it is now.

And what will happen in 25 years' time? This, of course, we do not know. In our study, there are two key pivots of uncertainty factors on which the future may depend: on the first one, the public policy transits from the concentrated on the free market to the community-oriented one. On the second the dispersion of financial, political and legal control over content distribution loses with Leviathan of monopoly.

Tim Wu, a researcher at Columbia University, in his book of 2011, "The Master Switch" speaks of repeated in the information sector cycles of innovation and control. Whoever owns the master switch, decides on everything - not only about the price and availability of service. Usually, the owner suffocates innovation, inhibiting the development of technology. Because what do we need innovation for, since we own the switch ? Therefore, the telecommunications behemoth AT&T in the United States could afford to block inventions that would make life easier for consumers , such as the universal telephone plug. When it was used by the entire modern world, the Americans still had to put up with an uncomfortable and incompatible with networks outside their country plug. In the 1980s film producers wanted the U.S. to ban the sale of video recorders , because they were afraid that the video recording for private use

would break the business . Today's concerns of some authors and intermediaries' lobbies against "piracy" or loosening of "muzzling" of copyright could be added to the same repertoire.

The owner of the main switch, however, has no chance in the fight against the destructive innovation. When he is ready for it, it is already too late for him – the others take over the baton. And then they start to make adjustments and checks. Internet seems to be somewhere at the end of innovation – global information monopolies are already here. But above them there looms the specter of digital control society, whether in the form of censorship of uncomfortable artistic content, or the tracking of consumer behavior. The question of freedom may be the most important also in the context of the future of the copyright.

In our study we wondered how the future might look like, depending on which direction of development the society and the state choose. These scenarios can coexist – as today, there coexist community-oriented and free-marked oriented states, basically using the same rights to intellectual monopolies. It is rather an exercise of this, which vision will dominate in the developed world, or rather which should, so that everyone – authors, intermediaries, users – feel that they are treated fairly.

WHAT WILL SHAPE THE FUTURE?

Maria Świetlik

PUBLIC DEBATE ABOUT COPYRIGHT IS SLOWLY RECOVERING FROM THE VICIOUS CIRCLE IN WHICH YOU COULD ONLY INSULT OTHERS OR "SERIOUSLY TALK ABOUT MONEY" IN THE NARROW CIRCLE OF ARTISTS, INTERMEDIARIES AND SOCIAL ACTIVISTS. MORE AND MORE PEOPLE ARE REALIZING THAT THE RULES REGULATING THE CIRCULATION OF KNOWLEDGE, CULTURE AND EVERYDAY COMMUNICATION HAVE A SIGNIFICANT IMPACT ON THE SHAPE OF SOCIAL RELATIONS TODAY AND IN THE FUTURE.

Working with experts over future scenarios for culture we started from identifying two factors we believe will shape the way culture will be created, shared, and used in 25 years in Europe. We concluded that for the circulation of culture it would be crucial what direction the political power and the economic power would take. This way we received two pivots, outlining four potential "worlds" (see graph on the next page).

The first pivot is political power shaped by public policies that are decided on by both domestic and European politicians and officials. They disburse funds through various institutions, among other things, ministries, institutes of culture, competitions, grants, scholarships. They also create laws that regulate culture circulation, for instance copyright[1]

Public policies relating to culture may be founded on the belief that culture is a unique sphere, constructing social ties, supporting tradition, but also responding creatively to new challenges of reality. Thus it is worth supporting and protecting against mere profit and loss account, for example, through subsidizing creative work with a large amount of public funds. Such cultural policy we called "pro-community".

But the cultural sphere may also be treated as a modern sector of the economy, with a very favorable rate of return (because it does not require large expenditures for materials and production technology), which must be verified up to the liberated market. We called such way of shaping public cultural policy "pro-market".

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1.   In Europe there function two systems of copyright law, which results from two different legal traditions – continental (copyright law) and Anglo-Saxon (copyright). The latter influences greatly the global circulation of content in the Internet, the biggest intermediaries being American firms, acting within the framework of their domestic law. International law contains elements of both systems – read more on page 38. Working on the future scenarios we did not try to foresee particular regulations but rather the scope and philosophy of authorship law/copyright, regardless of differences in legal constructions.

CONVERGENCE

PRO-COMMUNITY

PRO-MARKET

DIVERGENCE

PUBLIC
POLICIES

POSITION OF
INTERMEDIARIES
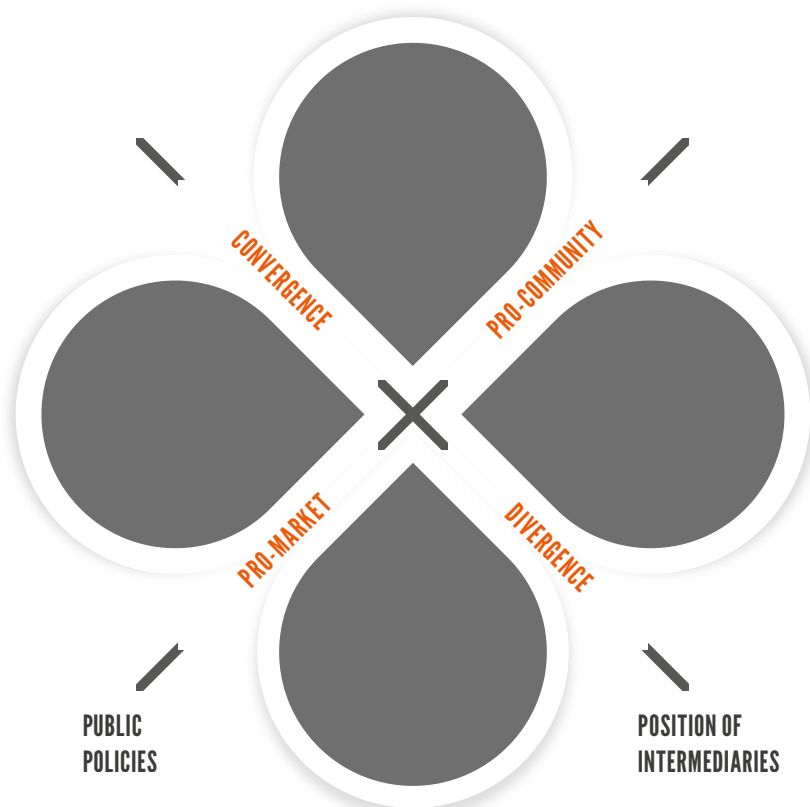
The economic power that will shape future culture circulation consists of mass market intermediaries in the circulation of other people's work, i.e. distributors of cultural works – or rather "content providers". That is why we called the second pivot "position of intermediaries". It seems that the crucial technology for future culture distribution will be the Internet. Thus looking at market relationships we outlined two possible tendencies: convergence and divergence.

Internet, similarly to other communication networks, is subject to the so-called network effect, with large hubs, attracting new users precisely because they are large (they have a lot of content, or - in the case of social networks - there are a lot of our friends there), each new user increasing the attractiveness to other potential users. This model of services and capital accumulation usually leads to the formation of oligopolies. Intermediaries in the culture circulation also aspire to the convergence of their services, which means the concentration within a single ownership structure of the various ‚stages' of the circulation of culture, as well as products and services

targeted to different audiences. In the case of the Internet circulation of content in Europe it is primarily Google (which owns YouTube and Google Books) and Amazon, and, perhaps less obviously, Facebook.

But we can also imagine another scenario in which tendency toward convergence would not be replaced by divergence. In the internet the opposite of centralized distribution are peer–2–peer networks, allowing their users to connect directly with each other and share resources accumulated on their own computers/servers (in such model works for example The Pirate Bay). Their popularity as providers of content continues unabated even though they are illegal. A divergence seems to be possible if each user would be able to use legally peer––2–peer, the formation of oligopolies was prevented by the antitrust policy of the state, taking care of the actual balance of the market and the establishment of protocols to handle communication among tools of different service providers (e.g. today one can call subscribers of another mobile network but there is no connection between the user of Facebook and gmail chat).

The circulation of culture is not just a matter of personal access to content (or lack thereof). It affects different spheres of social life, among other things, the level of empowerment of citizens, dominant discourse pattern defining a successful life, state of culture, art, education and the creative sector. Therefore, in each of the four scenarios for the future we tried to describe how each of these spheres would look like and how will be look like copyright, the law that regulates the culture circulation.

We tried to determine what the position of the three 'players' in the field of culture – authors, users and intermediaries – would be. This position is defined by legal categories such as: the duration of property copyright, scope of moral rights of an author, permitted personal use (fair use), educational and "artistic" exceptions, enforcement of violations of the law, role of collective management organizations. We also pondered over the issue of social security for artists, not recognized in the copyright acts.

We have made an assumption ordering our work on different scenarios that these two factors – the public policies and the level of convergence of intermediaries – would determine the scope of the copyright law operation. But one could reverse the logic adopted for study and recognize that it is the copyright law that has provoked the specific (in)balance of power in the cultural field. Then the scenarios could be read as models describing the effects of the proposed regulation. We hope that interactive webpage scenarios.prawokultury. pl would make it easier. The aim of the study is not to predict the future. It is rather an invitation to reflect on what it could be. We would like to encourage each of us to think which scenario is consistent with her or his idea of a successful life and proper social relations, i.e. what world we would like for ourselves and for others.

SCENARIOS FOR FUTURE CREATION, SHARING AND USE OF CULTURE AND THE ASSESSMENT OF ITS IMPACT ON THE STATE OF SOCIETY, CULTURE, EDUCATION, CREATIVE SECTOR AND COPYRIGHT SYSTEM IN EUROPE IN THE PERSPECTIVE OF 2040

Miłada Jędrysik

PAUL STREET

"I'M NOT AFRAID OF ANYONE OF YOU. AND IF YOU'LL COME TO PAUL STREET, TO TAKE OUR GROUND AWAY, WE'LL BE ON THE SPOT! AND DON'T YOU FORGET THAT EITHER! I'LL SHOW YOU THAT WITH TEN OF US AGAINST YOUR TEN, YOU'LL HEAR A DIFFERENT SORT OF TALK FROM WHAT I'M GIVING YOU NOW. IT WAS EASY ENOUGH TO GET THE BETTER OF ME!...."

Ferenc Molnar, Paul Street

PUBLIC POLICIES

POSITION OF INTERMEDIARIES
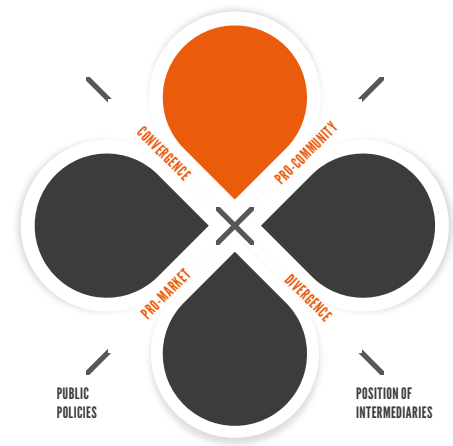
Public policies are aimed at building a sense of community, which is to be reproduced and expressed in a symbolic system (culture). At the same time the state does not intervene in the market circulation of culture, which led to the convergence of services and resources in the hands of a few major dealers.

1. Society – structure and shared values

In this scenario the state believes that the community is the best thing that could happen to its citizens and therefore it is worth investing. Growing from a tradition of small democracies, whether mercantile republics or free peasants, it cultivates respect for the solutions developed together and the synergy effect, which translates into social and economic development resulting from collectivity.

Citizens decide on the shape of park in their town and how to pave the market square. They vote massively in elections, for absenteeism at the ballot box will be fined. Individualism and apathy here are rare and frowned upon. From kindergarten all learn that only working together you can achieve something.

People avoid controversial actions that go beyond the social norm for fear of condemnation by the community and also punishment by the state - loosing a benefit or certain privileges, or the degradation to the category of "asocial margin."

A successful life means engaging in the life of one's community and contributing to the collective existence. The participation in public life, also at the national level - whether as a politician or as a clerk, is a respected and willingly chosen career path. Citizens generally identify themselves with the state - what is good for the state is considered good for the citizens.

Patriotism has also an economic dimension: if you are working, you multiply GDP. At the same time the state is trying not to interfere in the market.

The second important career path is to work in a corporation. Here one earns more money, but in spite of envy caused by such a status, in public perception it ranks a notch lower than working in the public sector.

Everyone is watching, reading and listening to the same thing, because they know (from school or authorities), what is good and what is bad, what is high and what is low. Even if it concerns an amateur production. The consumption of culture is passive and frequent, but the cultural competence of the society is high. The state facilitates actively the participation in culture - universal access to culture helps to build a value system and a sense of community - for some it will build a concert hall, for others it will organize a festival with wreaths. Social differences are reduced to the level of aesthetics.

There may be the state ideological emphasis on consumers of culture, who - living in the cult of canon - hardly receive disturbing signals.

2. Economics of culture and the creative sector

The public sector is the largest employer, in terms of administration, strategic industries, and science and innovation. The state also cares about the development of private enterprises, organizing airbags for their employees in the event of a crisis (it supports them during the protracted unemployment, and public works absorb those who have lost their jobs permanently as a result of the replacement of their jobs by artificial intelligence).

The state is also - next to media companies - a major client in the creative sector. It orders music, novels, sponsored films, all this in order to build social capital and skills needed in the labour market, and strengthen the sense of community. Film adaptations of a patriotic novel Stones on the Rampart are re-made year after year.

The state distributes free tickets for children, youths and the poor, it also enriches the canon of open resources on the Web. But commercial companies from the culture sector are thriving too; there is an unwritten agreement that there will be no competition, only the complementation offer: commercial productions are read/viewed/commented on by crowds, the problem of monetizing the "long tail" being non-existent.

The huge library of open public resources is also used by media companies to their financial advantage.

3. Situation of artists of critical or "high" art

Artists are surrounded by public support. Of course, not everyone but the "caste" of those selected is quite large and provides them the means of artistic activity. The artist may receive a salary, scholarship or other forms of state care, with the provided insurance and pension above the minimum. The price to pay for this may be the state's takeover of copyright, to share content as open resources, in accordance with the principle that a citizen cannot pay a second time for what had already been paid as taxes.

The group of authors is stable, but also static. Those at the top of the ladder, the authors of high art, are considered to be a collective national treasure, forming the establishment of arbiters of taste who decide about the good taste and careers of those still climbing on the lower levels. The status of minor artists is also good. There are strong trade unions of creative sector and culture workers, which is associated with the professionalization of creativity. The boundary between an artist and an amateur is therefore very clear.

Critical art may be an element of the system, and then it is allowed to some extent, because the state and society think that they need it in order to function properly. In this case critical artists would enjoy respect and gain a suitable status – they could count on help from the state. If this is not allowed, we have to deal with a strong taboo; there may appear such phenomena as self-censorship, internal emigration and allusive art. Then the protest against one myth may accumulate in a confined space, where prohibited music, prohibited conduct and prohibited drugs – everything prohibited outside – reigns.

4. Education

The state and local governments ensure a high level of education in public schools, which are well equipped and have highly qualified staff. Pre-primary education is compulsory from the age of three, because the state believes that children should learn working in a group from an early age. The school children have access to modern teaching aids – mobile devices with full access to the network, interactive online and offline courses. It is the result of cooperation between the state and one leading media company – maybe Apple, and maybe one of its successors. All children have been given tablets, they learn through educational applications provided by educational authorities. This does not necessarily mean that the student comes out of this system as a passive performer of commands. With the application you can also learn creativity, but within a specified framework defined already by materials and tools provided.

The schools teach neither critical analysis of phenomena nor contesting the existing order. There is no place for exposing stereotypes or cutting into prime factors of recognized truths. The emphasis is more on teamwork and mediation, that is those skills that are most useful to the community.

Children are not taught challenging the cultural canon, since it is the foundation on which the community relies its postulated values. Instead they get the tools to distinguish high culture from low, because if there is a canon, there must also be something that does not qualify to it.

Open educational resources are abundant and readily available. The state funds free e-textbooks in the form of applications running on the hardware of one of selected companies.

5. The impact of technology on the consumption of culture

The passive consumption of culture dominates, which is mainly due to the fact that the tools the majority of society has at its disposal are a closed set of applications. Therefore, it is difficult to find niches and non--mainstream culture, due to the lack of media they would use.

Narrowing the use of technology to the products of a few oligopolies means that content filtering is very simplified. It is used by both the business (to gain a complete understanding of customers preferences and getting them the right products) and the state worrying about the integrity of the community. Spying on the network does not raise violent protests, as long as there is no fraud; citizens are willing to donate a portion of their freedom in the name of the common good. File-sharing is illegal.

COPYRIGHT LAW

POSITION OF ARTISTS IS STRONG.

The copyright law protects authors as those important for building the social capital, respected and valued pillars of the community. Monetization of their work is extended in time – through an extensive system of royalties – and the term of copyright relatively long. The role of collective management organizations which coordinate the flow of fees between users or intermediaries and proffesional authors themselves is important.

Authors also have a large control over how others will use their works: only the education of future generations is the primary goal that justifies the depletion of the potential artist's profit. Therefore, "fair use" is extended primarily for educational purposes, there are also programs of redemption of works that best serve these purposes into the public domain. This is done, however, for the benefit of artists whose fees for the transfer of rights are much higher than those for licensing.

POSITION OF USERS IS AVERAGE.

They have at their disposal a range of educational resources, free tickets to cultural events, super-equipped libraries, rich pay deals. If, however, they may freely use works in the public domain and for educational purposes, a well--developed system of control blocks their potential as prosumers, when it comes to commercial content. Non-market sharing of culture has been relegated to the online underground – small, because the demand for such services is not large, and in addition it has been limited by the system of control.

POSITION OF INTERMEDIARIES IS STRONG.

They control both the commercial market of circulation of culture and the public procurement. For this reason, they want the copyright infringement prosecuted, and the state agrees to this request also for the artists' sake, with which companies share the revenues. At hand is also the long duration of copyright and rich resources in the public domain that can be commercialized in the derivative works.

MOOMINVALLEY

> "THERE ARE THOSE WHO STAY AT HOME AND THOSE WHO GO AWAY, AND IT HAS ALWAYS BEEN SO. EVERYONE CAN CHOOSE FOR HIMSELF, BUT HE MUST CHOOSE WHILE THERE IS STILL TIME AND NEVER CHANGE HIS MIND."

Tove Jansson, Moominvalley
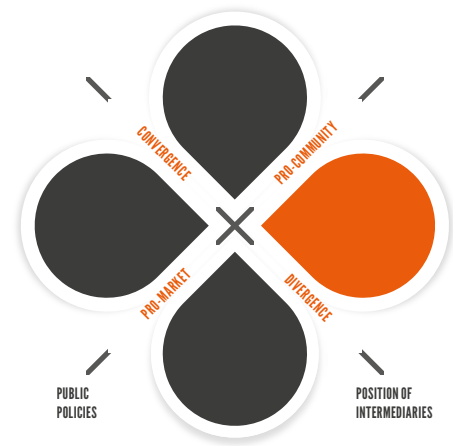
Public policies are aimed at strengthening the community, treating culture as an important tool for building a sense of belonging, social solidarity and social ties. The state is against the formation of monopolies or hubs threatening the market equilibrium. Therefore, there is a wide range of content and service providers. As a rule, they do not combine these two functions.

1. Society – structure and shared values

Community-oriented, but not monopolistic (on the part of the state or corporations) approach creates a balance between the needs of citizens, reason of state and business interests. Citizens are involved in social and political life – they take part in public consultations, and co-create participatory budgets.

The state supports civic cultural projects (city theaters, libraries, civic self-educational universities of the third age), giving citizens tools to build the social capital.

In this scenario the control and surveillance of the state is limited to a minimum, social life being based on a mutual trust, and officials understanding that they have to limit their supervision. Companies do not have the capabilities to infiltrate their customers for business reasons - the state, defending the interests of citizens, has set clear boundaries and the data are transferred only with the full consent of the client, who receives information about the pros and cons. Data cannot be an object of trade. As a safe solution for the free circulation of culture file-sharing networks have been legalized.

Individual liberty and freedom of choice are full, although this may also give rise to dilemmas - if everything is permitted, so is the publication of "Mein Kampf" and the marches of groups glorifying violence.

Every life is a success, although the most appreciated are those useful for the community. You need to feel useful for the community. The most appreciated is the work for an NGO or research centre, i.e. the use of one's talents and skills for the benefit of others. A failed life is a waste of talent.

In this scenario particularly valued are artists, no matter whether amateurs or professionals, because it is believed that every creative member of society is in fact working for the benefit of others.

Outsiders, freaks – are respected, because nobody imposes a pattern of behavior beneficial to the community. You can be a member in many different ways. Even the most antisocial ones are not particularly condemned, there is understanding as to the fact that we cannot all be uniformed.

Culture is present and at your fingertips. It entertains, teaches, moves, and encourages its recipients to become authors themselves. This is one of the most respected forms of professional fulfillment. Culture strengthens the civil society, teaching critical competence and cooperation in dispersed network projects.

2. Economics of culture and the creative sector

The state through its anti-monopolistic policies supports real competition, no entity obtaining the advantage over the other and dictating the terms from a monopoly position. It is particularly guarded on the technology market, taking care of principles such as net neutrality, protection of privacy and personal data, generally a balance between the rights of the user and the service provider, and in the case of works under copyright – also authors. The state also strives to provide the minimum necessary public services, including access to open educational resources and cultural resources from public domain. Non-market circulation of culture on the Web, improving competences of individuals and communities, is considered worthy of support.

It is difficult to achieve broad commercial success. Blockbusters like The Hobbit are hardly possible because no producer is powerful enough to collect a sufficient amount of funds. There are very few bestsellers, because no publishing house has adequate promotional machinery and vertical content distribution model that would "make" readers/ consumers buy it. The result is that the earnings gap among artists is not large. There are no celebrities scraping everything, and also the difference between professionals and amateurs/ prosumers is blurred.

A lot of artists have thus the opportunity to make a living, but the desired competence in this business is also the ability to write applications for grants; you learn that already at school. The state also cares about social security for artists. Artist earns more on their personal participation in some event – a performance, meeting or judging the talent-show – rather than royalties. When it comes to the Internet, the main source of support for the work is a special fee (flat rate) distributed among all whose works are present there. Crowdfunding, i.e. collecting funds needed by the artist to create works directly from future users, is also well developed. For these reasons, strict control over who, how and where uses the published work, it is no longer needed. Free licenses are popular.

Commercial culture, consumed passively, does not dominate. In turn, local culture, engaging the community, flourishes – from folk dances through robotics or floral workshops.

Navigating the wealth of resources on the Web, people especially appreciate the wise aggregators that can lead them to the resources of interest to them. Popular are also people-routers, who will study, recommend, encourage.

3. Situation of critical artists and high art

The work conceived as self-development, also having an impact on the community (local, supra-local), deserves respect and high rating regardless of its status. In principle, there is no distinction between "superior" and "inferior" genres. A creator-wizard, "brilliant Narcissus", convinced of his uniqueness, has no raison d'être, since neither the canon nor popularity will confirm this belief.

In turn, the "long tail" is getting longer - there are so many niches that each author will find one and will be able to make a living out of it. Artists have at their disposal an extensive system of state grants, with particular emphasis on non-commercial art. The status of commercial artists may be even lower than the status of those receiving grants.

This makes the offer so diverse that everyone can find something for themselves in the multitude of niches. The mainstream practically does not exist, or rather, there are a few mainstreams. This may cause difficulty in reaching the audience, going beyond one's niche. On the other hand, digital tools make it easy to reach the audience that in the analogue age was hard to find.

For each there is a place, and therefore for critical artists, who also have to look for their niches, but do not have a problem with a negative reception from the authorities or business. The right to criticize is considered obvious, and the boundaries of criticism extensive. Critical art can thrive both on the Internet and in local communities. Critical artists have the same chance of getting support from the state, like the others, and perhaps even greater, because they are considered the peak of artistic ladder.

4. Education

In this model, there is room for good, funded public education and supplementary private education. In the latter the greatest emphasis is put on alternative methods of teaching, such as Steiner schools, Montessori schools, democratic schools, and finally home schooling.

Schools on the one hand prepare children for life in the community, on the other – encourage them to ask critical questions, undermining the existing order. Emphasis is placed on "soft" competences – the ability to cooperate, but also exercising divergent thinking, which is the ability to create new ideas by analyzing a number of possible solutions and deviation from the beaten track.

The most important role in the educational process is fulfilled by the teacher who does not implement a rigidly fixed canon, but may independently shape the lessons within very flexible recommendations of the education authority. Teachers can benefit from the wealth of open educational resources paid for with public funds and made available on the Web, and besides a very wide range of works covered by copyright - copyright system is in fact designed in such a way that the most important on the list of exceptions is the use for educational purposes. If a teacher has a problem with something, it is the choice: the choice is so rich that it is hard to figure it out and make a decision. And because the sieve of educational materials has great eyes – not to narrow the possibilities – not all are of equally high quality.

5. Impact of technology on the consumption of culture

The state supports cheap technologies, from which every user can benefit. Therefore, it finances technical development in the system of competitions, stipulating social conditions of the product availability (for example, free access to the Web, cheap mobile devices). Technologies are compatible with each other, as far as possible – universal plugs, free and open source software, or widely used protocols allow anyone to create applications that interact with each other.

The inventor, who in the garage has constructed an innovative device which could potentially have a great impact on technological development, can count on support from the state (e.g. grants for further studies and the start of production). But she cannot count on a long cover patent of her invention and monopolizing the profits – the state will "release" the innovation in the world, starting from the premise that it serves the good of the community and will bring better results in terms of further development of this innovation.

As a result access to culture through new technologies is very wide. Some difficulty is the fact that due to the lack of vertical integration of services, especially older people may have difficulty with the choice. Hence the demand for all kinds of guides: volunteers that help the elderly move in the digital world, or human filters that provide choice in the flood of content.

COPYRIGHT LAW

POSITION OF AUTHORS IS AVERAGE.

he source of income of artists, who earn above all from personal appearances and on a flat rate for them on the Internet, has changed. For that reason collecting societies, as redistributors of fees from broadcasters, vanish. Instead there appear associations of authors having the character of social organizations, where artists can use their potential pro-communally. The duration of copyright is reduced – there is a consensus that it is important for cultural, social and economic development. However, even the most popular artists cannot count on millions from royalties, or contracts with large corporations, because such money simply does not circulate in culture. A lot of famous artists make good money, but they can only achieve a celebrity status among their niche fandoms.

POSITION OF USERS IS STRONG.

Copyright infringement by users is seen as a problem that must be solved by giving them authorized access to content – whether through support of appropriate business models, or by extending the scope of fair use. The latter takes into account the new possibilities for the creation of content offered by new technologies, allowing them, for instance, a broad non-commercial use of remixes of other people's work. Emphasis is put on respecting moral rights: a good – and observed – practice is to quote the authors, whose works one uses. Free licenses and peer-2-peer networks are popular, because users like and can share content.

## POSITION OF INTERMEDIARIES IS, HOWEVER, WEAK.

They can neither achieve the concentration of capital nor enforce traceability of content. The state chooses other methods to solve the problem of illegal distribution – see above, and no commercial entity is strong enough to carry out such control. It seems more profitable to explore interests of internauts and offer them the services they are looking for in the samizdat. A lot of entities can make money on it, but it is hardly possible to create a global corporation.

KLONDIKE

"IF IT'S GOLD, IT MEANS THAT MY JOURNEY IS OVER! RICH! I'LL NEVER BE LIKE I WAS! ISN'T THE AIR CLEANER AND DOESN'T IT SMELL BETTER? ISN'T THE DAY BRIGHTER? DO I STILL HAVE SOMETHING TO DREAM ABOUT DURING STARRY NIGHTS? CAN I LOSE IT ALL? DO I REALLY WANT TO BE RICH? "

Don Rosa, King of the Klondike
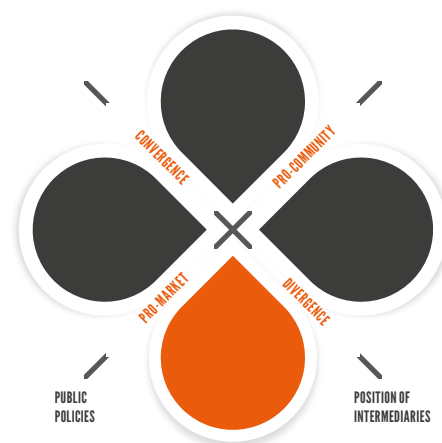
Public authorities see culture as an attractive sector that, thanks to the low cost of "production", can achieve high rate of return. They are also guided by the principle that the cultural offer should be verified by the market, without the state interfering in the citizens' choices. The intermediaries in the circulation of culture are scattered, there being no dominant hubs of content or services dedicated "to everyone".

1. Society – structure and shared values

In this scenario, we are all lonely islands – the most important is the individual, her civil rights and self-realization, especially in the economic dimension, which defines social status. Immediately afterwards is the small community one belongs to, which identifies the individual. The state does not conduct policies aimed at increasing the social capital of the community. The society is hierarchical, but there is no dramatic income inequality.

The need for cooperation is implemented in small communities such as religious groups or activism of any kind. Charity is also developed, "fishing rod, not a fish", an action that allows others to stand on their own feet, being preferred, however.

There is no defined model of a successful life. People live in small communities, each of them having its own value system, and within them they fulfill their cultural needs. Culture here serves building local identity. The shared view is however that the determinant of success is high economic status, and the responsibility for the failure to reach this status falls on the individual.

In the moral, cultural and religious sphere there is full freedom – any kind of relationship, the strangest taste or most exotic confession can be accepted, on one condition: within one's community.

As in any community with market-oriented or consu-mer-oriented attitude, there is also a large area of re-bellion against defining one's success solely in terms of economic profit and critique of development un-derstood solely as an increase in GDP. There a pattern of a successful life is understood as self-fulfillment in an alternative model.

The raging force of creative users-makers is the glue that binds this society. Although artists act as separa-te archipelagos, or in their small niches, they still have prospects for self-fulfillment, a purpose, and successful life. At the same time the multiplicity of often conflic-ting values in these acts of creation and consumption of culture means that the social fabric is susceptible to dangers of extremism.

2. Economics of culture and the creative sector

The market includes a lot of actors - in the name of real free market the state prevents them from clinging to monopolies and oligopolies, and thus gaining unjusti-fied privileges or forming price fixings. The basis of the economy are small and medium-sized businesses, ope-rating on the local market (or sometimes on the global market if they find a global niche). Consumers are at-tached to traditional brands and loyal to them - other-wise they would get lost in the plethora of offers. Due to such a large selection of goods and services and the lack of vertical integration, consumers cannot rely on convenience. In exchange they gain a humanizing con-tact with their service providers.

In models of cultural consumption a lot of new innova-tions and rapid changes in models of participation are possible– provided that a given innovation can be reali-zed at low cost.

The multitude of business models of the markets of cul-ture means that there are also a lot of models of parti-cipation. On the one hand, the user has at her disposal self-sufficient "walled gardens" (applications, devices in which they operate), dedicated to those who can afford to use them. She will find in them everything she needs, and what is comfortable. On the other hand, there is the gro-wing importance of non-commercial circulation. Thanks

to the low level of compliance and copyright protection (because the government does not want and cannot con-trol strictly the communication between users) the ava-ilability of resources on the Web one can use and modify contributes to the creative boom of users-prosumers.

Artists who enjoy high status are craftsmen-entrepre-neurs, the class of cultural service providers. They pro-duce advertisements, visual identifications for compa-nies, advertising campaigns, posters, design objects for 3D printers. Besides, they do not have too much work: the state does not subsidize authors and there are no great employers such as media companies. Therefore, if someone is not able to find work in the commercial sector, she is forced to retrain.

The third sector is underdeveloped and it does not func-tion as a major sponsor of culture - there are several fo-undations that sponsor the arts, but it is more related to their educational activities.

Some hope for the author can be private patronage, but it is an offer for a limited group of artists. Furthermore, being paid by a rich sponsor has its price. Patrons will not leave one free hand, they want to have an impact on what they pay for. They prefer not subversive art; fa-shionable, comprised within the limits of what is curren-tly allowed. If it is not bourgeois, it is certainly not crazy. It is relatively easy, however, to collect a small amount through crowdfunding.

The real creative ferment may be found on the Web, whe-re both user-prosumer and amateur artist can be sure that their work will not be appropriated by big media com-panies or removed in the name of protecting copyright.

There is no social security system that would support professional artists socially. Individual professional gro-ups have their pension funds, but only some artists earn enough to receive sufficient pension when they retire.

3. Situation of critical artists and "high" art

In this scenario there is no mainstream or canon, but freedom of choice as to content and its creation. High volume work, such as opera or high-budget movie, is

hardly possible, however – it would be very difficult to raise money for such a project. The success of high art is only possible within a niche.

Critical art in the classic sense of the term is marginalized because there are no mechanisms that would allow this kind of authors exist among the general public – neither sponsors nor canon, in which such art is valued highly. It has moved to "pits", to the inexhaustible multitude of user-prosumers blessed with the privilege of total creative freedom. If their activity faces barriers they usually concern reaching the audience. The range of this type of critical works is rather limited to a narrow range of users who share concerns and ideals of the author.

4. Education

The educational offer is diverse and stratified. The vocational education is supported and controlled by the state, because the state believes the release onto the market of skilled workers is its primary goal in education. The state is also investing in educational resources rearing flexible workers and consumers – they are free of charge, but not necessarily free.

In addition, there function local schools maintained by religious organizations, parents' councils, local authorities and various foundations. The educational framework formed by the state being very liberal, they teach what they consider appropriate.

It is believed that everyone "carries a marshall's baton in his pack", and can make a career if her talent is complemented by hard work. Promotion, however, means the loss of cultural identity, because each social group produces its own hermetic identity.

5. Impact of technology on the consumption of culture

Embarras de choix. The user has at her disposal a lot of services and diverse content. Everyone will find an offer tailored to her needs – specialization can be very narrow. The problem is to reach that appropriate content; hence the demand for services such as aggregating

human-filters and people-routers intermediating in different ways in the circulation of culture.

Users-prosumers generate content for themselves and "close others", hence it is difficult for virals of truly global reach. Those who manage to exist more broadly are universal, i.e. appeal to emotions or common to all humanity mono-myths, and therefore can be easily read by people with different cultural background. Because in this scenario in place of technological barriers there appears the mental barrier – the limit for the free spread of content is the identity of individual communities with their different value systems.

Innovation is possible by eliminating the need for means of production (thanks to the marriage of digital software with tools local workshops are able to do almost everything), but constrained by the lack of funds for research and development in sectors that require high investment.

COPYRIGHT LAW

THE POSITION OF AUTHORS IS AVERAGE.

Because no one – neither media companies nor the state – are able to control the dissemination of content published in violation of copyright, the copyright loses its significance. Authors earn little on royalties, making money at the time of commissioning works to the contracting authority (first-sale), on the events that sell one's direct presence, or on crowdfunding. In this scenario collective management organizations loose their significance, and the duration and scope of copyright shorten. Authors will neither be poor nor make millions on bestsellers.

POSITION OF USERS IS STRONG.

There are no strong lobbies of intermediaries, which would limit users' access to content or monetize it. The scope of fair use is wide, because the state wants the economy and innovation level to profit on it. So also the users benefit. P2P networks blossom, because a large part of the population can not afford access to the commercial circulation of culture. Remixes and other forms of derived works are popular.

THE POSITION OF INTERMEDIARIES IS WEAK.

They are unable to accumulate capital and create global corporations, nor to control the circulation of content. They earn on the skillful delivery of content to niches; they also use a broad definition of fair use to create new services on a free basis (public domain or free licenses).

MORDOR

"IN THE LAND OF MORDOR
WHERE THE SHADOWS LIE.
ONE RING TO RULE THEM ALL,
ONE RING TO FIND THEM,
ONE RING TO BRING THEM ALL
AND IN THE DARKNESS BIND THEM
IN THE LAND OF MORDOR
WHERE THE SHADOWS LIE."

J.R.R. Tolkien, Lord of the Rings
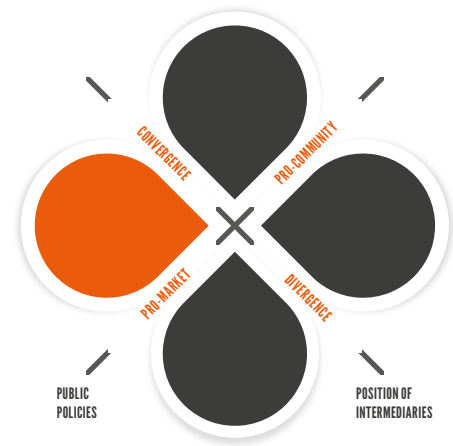
Public policies treat culture as a potentially lucrative sector of the economy, which should be verified by the market. Both the production and distribution of culture have undergone significant centralization, there has been convergence of competence and control in the circulation of culture. Just a few major players are in possession of both services and resources used by the majority.

1. Society – structure and shared values

In this scenario the social stratification is increasing. The state believes that the development and prosperity is directly proportional to GDP growth, and the free market regulates the distribution of goods in the best way. It is also believed that according to "trickle-down theory" economy will make the richest profit to the benefit of those lower on the social ladder, because the rich will create new work places. Also those areas belonging to the state, such as education, culture and health, should obey the logic of the free market, introducing the criterion of profit. Culture must pay for itself, just as the state railways.

The most valued in society are a career and achieving an adequate census of property. Therefore, people tend to focus more on that than on the work for the good of the community. It is difficult to make it otherwise, since "community" is a term with no meaning: it means no one's property. Also, the dominant commercial culture, aimed at entertainment, hardly builds a sense of community or teaches critical look at reality. It is also difficult for users to participate in culture in a creative way and pursue their own passions.

In this world it is advisable to be a media celebrity, banker or representative of some free profession of the top shelf. Or at least such ideal of success is created

by "dream factories". For the rest the ideal scenario of stability in life is to be an employee of a corporation, or salaryman, and maintain this position as long as possible. From an early childhood you hear that you should be able to sell yourself well. Students are advised to draw attention of corporations or take part in auditions for talent shows organized by big media companies.

Spirituality is also associated with the work ethic: the religious model of the good life is one in which the man realizes himself through work. Still, all possible family scenarios are acceptable, if corporations ("dream factories") may profit from them. Samesex couples are thus welcome as they are usually well off (better education, less children).

2. Economics of culture and the creative sector

The market of information and culture, similarly to other sectors, is dominated by monopolies or strong oligopolies, where the winner takes it all at all levels. This is a sealed system, which is dominated by vertical integration – one company sells a client devices, content, and services of various types. To the customer diversification does not pay, as it hits him painfully in the pocket.

In this world, everything revolves around product placement and advertising. Here is the most money. Celebrities take it all, they earn a fortune, because they provide the best monetization (the most ads you can sell around them). In the information noise they are able to sell everything – from T-shirts with their own likeness, through cookbook or a reality show of their own life, in which so very little is happening.

The rest takes part in the "copyright lottery", trying their hand in the creative sector in the hope of becoming a celebrity, but their chances are statistically insignificant. Some will give up while others will create infotariat, a poorly paid class of subcontractors, or hired craftsmen, who, for example, write jokes for the celebrity appearing on the TV show.

Content created by non-professionals and distributed in the Web is appropriated by media companies.

In the case of remixes – by purchase or copyright claim. An author of a popular blog eventually will be working for a big company, leaving his readers a convenient illusion that she is as fresh and independent as ever.

It is hard to gain independence and niche also because in this oligopolized world there is no choice – the market is dominated by a few major information hubs (today called information portals and social networks). This sealed system hardly provides space for cultural freedom. Everything can be monetized in one or the other way – as an opportunity for advertising, or an opportunity to advertise (for a tasty morsel are also data on user preferences).

3. Situation of critical artists and high art

In this world, where the tastes, and what you need to think and what to like, is decided on by employees of corporation supplying entertainment, professions such as journalism or artistic criticism disappear. Because any critical outlook is disturbing in a world where content needs to sell. What sells well is pseudo-criticism, aimed not at undermining clichés, stereotypes and truths, but at calling an artificial conflict, which will raise the rankings of the audience or click-through rates.

Freedom of artistic speech is theoretically possible, but in practice a niche, because it does not sell. Big corporations do not need critical artists – unless it is an online mocker, whose videoblog will be watched by hundreds of thousands of spectators. You can, of course, rebel, but what for when no one would notice, because you can only see those who have support of concerns.

An ambitious artist, whether critical or simply demanding savvy audience, can hit for a private sponsor/ foundation that see the value in this type of art. But in the absence of a broad education focused on the art more difficult in perception, there is no audience.

4. Education

Social stratification and targeting on profit in the most prominent way is reflected in the education system

and health care. The elite is taught in expensive private schools, and the rest in declining, under-resourced public schools. Also higher education is segregated - there are elite universities, which ensure the completion of a career path in management boards, supervisory boards and private practices; specialized learning centers or even co-funded by corporations that produce experts and conduct research; finally dying, "worse", underfunded public universities.

Educational resources are privatized and narrowly available. Open educational resources are rudimentary, prepared by NGOs with small budgets, subsidized neither by the state nor by the business. Open cultural resources are mainly the work that has already passed into the public domain and are has been digitized by NGOs.

5. Impact of technology on the development of culture

The development of technology is subject to the dictates of the interests of the monopolies. At each level of technological development content is determined by the tool - like smartphones and tablets today organize way to deliver content through closed applications. About what is available via closed applications depends on their owners. Thus the development of both technology and culture is not independent and organic, but planned by an agent, who absorbs innovation. Sometimes it happens that the same innovator creates its own content and services conglomerate, but it is rarely so, due to the lack of access to markets, resources, and personnel.

Technology can track user behavior, including whether they use unauthorized sources of culture. After analyzing this information, the users are profiled and then offered the products they are likely to purchase.

COPYRIGHT LAW

POSITION OF THE AUTHOR IS WEAK.

In practice, only the most recognizable and most-selling authors may negotiate with corporate lawyers beneficial contracts for the grant of a license to use the work. The monetization of the authorial work is usually one-off, and it occurs at the time of selling copyrights. For this reason the role of collective management organizations is marginal. Furthermore, the author has no impact on how corporations will prescribe the fair use of her works. And it may happen that they will organize a drawing moustaches competition using portraits of her authorship.

POSITION OF THE USER IS WEAK.

The content distributors monopoly means that no one can escape their walled gardens and, in practice, everybody is forced to bear the costs they dictate. With advanced tracking systems any unauthorized use – not only by the illegal distributor, but also the common user – becomes virtually impossible. P2P networks, incompatible with the market-oriented ideology, because they do not increase GDP, are eliminated by the state. Free licenses are unpopular, and the scope of fair use is very narrow. Schools and libraries must pay subscription fees to corporations that are holding rights to content.

POSITION OF INTERMEDIARIES IS STRONG.

The copyright law serves the oligopolies controlling the content distribution. Such solutions are enhanced by international treaties, negotiated in favour of Big Content and converged intermediaries. Media companies use the increased control over the legality of content covered by copyright law in order to – through pressures and financial incentive – take over the copyrights to the largest possible amount of works; not only to those viral created by amateurs, but to works derived from other works, such as remixes and pastiches, demanding either their removal from circulation or money.

WHAT AWAITS US?

Miłada Jędrysik

WE LIVE IN A TIME OF CHANGE, WHICH IS OFTEN COMPARED TO THE REVOLUTION CAUSED BY THE SPREAD OF PRINTING. THEN, AT THE TIME OF GUTENBERG, BY EXTENDING THE WRITTEN WORD THE INFORMATION GOT OUTSIDE A TINY ELITE CIRCLE OF READERS: THE NOBLES AND CLERGY, REACHING TO THE MIDDLE CLASS, AND THEN TO THE MASSES. THE DEMOCRATIC WORLD IN WHICH WE LIVE TODAY IS A CONSEQUENCE OF THIS PARTICULAR REVOLUTION.

We are already aware of a number of consequences of civilizational transition from an analogue to a digital world, but a lot of them we probably cannot even imagine. A lot of them awakens in us fear, which is a healthy evolutionary response that allows our species to avoid the unknown dangers, but it is worth bearing in mind that some of these fears appear unreasonable in time (in the mid-nineteenth century passengers fainted during a train ride, so crazy and dangerous to man seemed the speed of a steam locomotive). Twenty years after the spread of the Internet we are able to see the trends that seem to be shaping further development of the digital world. During the workshop we chose 17 trends that we considered the most important for the future of social circulation of information, culture, creativity and knowledge, i.e. goods covered by intellectual monopolies.

Globalization

Globalization is a process the development of digitization has sped up. Today we are able to transfer large amounts of data in a very short time. A feature film, all episodes of the show, an entire discography – to download them through a broadband network is a matter of a few minutes. Internet does not know – at least for now – any borders. "Gangnam Style", a hit by the Korean singer Psy, is approaching two billion views on YouTube. Streaming music services cover larger and larger areas of the world. Google and Facebook are global powers.

These capabilities are also in benefit to companies that provide files in violation of copyright laws.

Execution of violations of the law in the internet raises issues arising from the technology. Place of company headquarters, place in which there are servers with nonauthorized files, place in which the violation was done by sharing the file, and the country in which it was downloaded – those may be different states (jurisdictions) with different copyright rules.

An effort is made to regulate global trade, including the exchange of files and services on the Web, by trade agreements – some of them, like ACTA or TTIP, raise concern that, under the banner of fighting "piracy",

users will be deprived of the right to use resources in accordance with the principles of fair use or they will become subjects to control clearly violating civil rights.

It is also discussed whether issues regarding intellectual monopolies when it comes to cultural works should be treated differently than in the case of traditional industries.

The digital globalization is also an opportunity to work as distributed teams, as in the case of Wikipedia – an encyclopaedia created by volunteers from around the world. This puts, among other things, new light on the concept of authorship of the work – who is the author of an entry in Wikipedia or a crowdsourcing translation?

We might also ask, more generally, whether the creative process is an individual flash of genius that creates ex nihilo, or the collective effort of the community based on the achievements of its predecessors? The answer to this question lies between the folklore-inspired poems of the Romantics and the Internet remix today.

Exponential growth in the availability of content and ease of dissemination

The development of broadband Internet and more "capable" miniaturising memory gives us the ability to copy and transfer more and more data. Every 24 months the number of transistors in microprocessors doubles.

The data are not measured in megabytes, gigabytes and terabytes anymore – there being peta-, iexa-, zetta-and yottabytes.

More and more of what has been written using zeroes and ones is within our immediate reach. An e-book is purchased with one click, and after a few seconds you can read it on your reader. Viral content in social media may reach hundreds of thousands of users in a few hours – a "selfie" of Ellen DeGeneres with the winners of the Oscars in 2014 beat the record for most retweets: two million.

Development of informal circulation of content as a condition for the development of decentralized infrastructure

On the Polish Internet there circulates a photo from 1980s showing young people at a concert – all with their hands up, all holding cassette recorders, all recording. The informal circulation is nothing new; it appears everywhere where someone or something restricts access to content. In communist countries it took a form of samizdat, when it came to content limited by political censorship. Those who had access to the latest records from the West copied them on cassettes and sold or distributed to their friends.

A decentralized infrastructure, such as P2P (peer to peer), is more difficult to control. It is also a convenient way to exchange files directly between users, bypassing distributors, regardless of whether they provide movies and music with the consent of the owners or without this consent.

In the digital world the informal circulation has a greater extent, but the motivations are the same as in the days of analogue world – on the one hand there is the desire to escape the censorship or surveillance, which – as we know from the information furnished by Edward Snowden or activities of the Chinese censors – can achieve the size incomparable with anything before.

On the other hand – it is a response to access barriers. The "premium" cultural offer is beyond the reach of most internet users, both for financial and technical reasons – the media companies reluctantly enter smaller markets, believing that it does not pay them.

Still others believe that by sharing resources of knowledge and culture they contribute to the social justice, bridging the barriers of access for the disadvantaged.

Development of the free software movement

Similarly to P2P networks, free software, i.e. the code freely available that may be controlled and modified by its users, is a response to the threat of surveillance and information environment control. This is a solution for those who want to be sure that their software does

not spy on them and does not limit the possibility by artificial barriers produced by the equipment manufacturers or proprietary software.

Free software is also selected by those who like the pro--social and socially aware aspect of its creation - everyone can benefit from someone else's work without the fear of copyright infringement; anyone can contribute to the community building.

"We want to be premium"

"We want to be premium" that is to say: we want to watch the new season of our favourite series right now, immediately, together with users from the United States.

In the globalized world with copying files and informal circulation of content on the Internet it is easy to realize one's cultural aspirations, even if you do not happen to be a premium consumer – either due to financial reasons or lack of services in a given country. When Netflix, an American company that provides streaming movies and TV series, released the second season of "House of Cards", it turned out that Poland came second (after the United States) as regards the number of episodes downloaded from torrents, far ahead of other countries in which Netflix already operates.

Streaming services are developing rapidly, but not fast enough to avoid consumers in poorer and smaller countries to feel "worse" because these services have not arrived there yet. Some want to "legalize" their need to be a premium consumer as soon as possible, because they can afford that, and they believe it is only fair. Others, when having to choose between a paid service and the "free" one, will always choose the latter, because the subscription seems too expensive or because they do not want to contribute to millions earned by producers and distributors.

Dominance of two business models of network intermediaries

Today the monetization of circulation of culture in the Internet is carried out in one of two business models. In the first model, the intermediary (e.g. Amazon, iTunes, Spotify) earns on the sale of access to content, the commodity being, therefore, information (music, video, e-book) sought by the user. As a result, the intermediary aims at strict control over the flow of content, shutting it in their own system by preventing its copying to the hard drive, or reproducing with devices that are not their product. In return for a fee, you receive access on terms favorable to the intermediary. Fair use is therefore limited by the technology (technological protection measures, TPM). In the second model data about users is monetized. In such a way, platforms such as Google and Facebook operate. The commodity here is not the content, but rather the information about users, their behaviour on the Web, preferences, friends. The platforms base on the works created or distributed by the users themselves. In the interest of these companies is not, therefore, a really broad fair use, which would legalize alternative social media, based on peer-2-peer networks.

These two models originally competed with each other, because holders of the rights to content did not want their works to leak out of their system and appear on the platform, while owners of platforms were interested in as heavy traffic on their sites as possible, the issue of copyright being not a priority for them. With time, Internet companies began to use both models at the same time, because both produce the greatest profit today, monetizing the network effect.

Easy access to content

Clients expect comfort. And they are ready to pay for it with money, security or freedom. Therefore, comfort is the best (perhaps the only) tool, which can break the informal circulation of content. With the avalanche of access, you can "buy" consumers offering them - at a reasonable price - high quality and ease of use. No more broken connections, depixelised images, incomplete files that break off when we were about to find out who is the killer. End of e-books and audiobooks, in which chapters get torn.

The customer of the twenty-first century will buy it under one condition: that everything will take no more than three clicks. If you have to copy anything, fill in never-ending forms, or fight with incompatible formats, you choose another intermediary.

Growing importance of the law in protecting the professional market

International treaties, such as ACTA, new legal regulations in different countries, tools allowing us to keep track of depleting profits of the distributors due to consumer behaviour: the world's legal systems are slowly adapting to the digital world. Fair use, which is borrowing a book, a movie on a physical medium, to friends or acquaintances at a time when you had to have personal contact between borrowers, was limited to a range of one or a few dozen of people. In the digital era it requires a new definition, because where is the limit? In the digital age, however, private use allowed by law requires a new interpretation of "the circle of friends". Five thousand friends, because so many you can have on Facebook? In fact friends on FB are often closer to us than our colleagues from work, even though we might have never seen the first eye-to--eye and the latter we see every day.

The European Commission is just about to change the European Directive of 2001 harmonizing the copyright law in Europe, which was created under strong pressure from media companies counting on the longest binding force of exclusive rights and limiting exceptions. On the other hand, the United States from which the bulk of the so-called Big Content (i.e. corporations gaining from copyright ownership, for example Walt Disney Company), is trying to impose further trade treaties, transferring its legislation (and the balance of power) for the rest of the globe. The adaptation process to the realities of the Web is in progress, the nearest future will show which way it will go.

Polarization of interests between consumers and businesses and governments

The interest of the recipient has already been defined – to have access to everything as comfortable as possible,

free of charge or at a reasonable price. The business interest is, of course, to have the greatest profit, even at the cost of limiting access. European authorities in accordance with the liberal worldview feel primarily responsible for shaping an environment conducive to business, treating contemporary culture as further areas for commodification.

The copyright-holders – both auttors and intermediaries – are afraid of new business models, such as streaming services, which compensate for the low price of the service with their massive character. Some intermediaries also trying to concentrate in their hands full copyright, treating authors who provide content quite instrumentally. Therefore, some authors believe that it is more profitable to lobby for prolonging the validity of these laws, narrowing fair use and providing punishment. As a result they find it more profitable to lobby for prolonging the validity of these laws, narrowing fair use and providing punishment. In some countries, politicians are inclined to these expectations and exacerbate the prosecution of copyright violations, not sparing the public funds, as in the case of the French government agency HADOPI.

Some authors try to overcome these conflicts, bypassing intermediaries, and addressing the audience directly, whether it means offering all or part of their production for free, or collecting voluntary network fee before or after the creation of the work (crowdfunding). Also some intermediaries tolerate the grey area, seeing it as a potential for future customer hunting and field research on their preferences.

Today one can see that in fact the profits and markets of the creative industry, although declining in certain narrow sectors (e.g. profits from sales of Cds) grow (games, video) or remain at a high level (music, books). And this despite the alleged global crisis.

Convergence of the media

Gone are the days when a newspaper offered you something to read, the radio – just something to hear, and a television just show – something to watch. They

were three different incompatible technologies. On the Internet everything is a stream of bits, so it is possible to combine different forms of communication within a single site or material. "The New York Times" has set new journalistic routes with its material of 2013 about an avalanche in Tunnel Creek, containing the text next to video materials, slideshows, interactive maps and video covers illustrating the beginning of each chapter, in which, for example, in the background the snow was falling.

Today it seems to be something quite obvious to us that the text on the Web is illustrated not only by a photo but also an embedded video. In the newspaper applications for tablets and smartphones, more and more moves, plays or changes.

It also works the other way – the layout of paper media increasingly resembles the Internet, and the same thing happens with television stations: whizzing around the main image are strips of news and comments.

Convergence also has social consequences – the "old" media adapting to the Internet also take over the "social order" and weaken the former dividing line on the active senders and passive recipients, e.g. allowing commenting on their texts or mixing professional journalistic texts with texts of users.

Changing patterns of cultural consumption

Until recently we have been consuming culture either frequently moving or accepting passively what was delivered to our house. We went to the cinema, theatre, concerts and meetings with authors – this has not changed, and even becomes more important in the situation when you have any content at your fingertips. In this system personal contact with the artist becomes an even more special experience. But we are no longer condemned to zapping with our remote control on a few dozen channels in the hope of finding something interesting, or to borrowing videos, CDs and books from our friends.

Everything is on the Internet, what is more, it is not worth possessing. The focus moves from having the work on a physical medium to being able to have quick access to it online. This can lead – and there are already indications of this happening – to the secondary growth of interest in physical media, such as vinyl records.

On the screen of a smartphone or tablet movies, books, music, images are available 24/7, in places and times so far unheard of – you can listen to music while riding a bike or running on a treadmill, read in the queue, watch in a hospital bed.

Formerly to share with someone intangible cultural products demanded quite a complicated physical operation – recording a record or film or transferring them on a tape or disc. If you desired a book, you had to take the trouble to visit a friend, take it under your arm, and carry it home, not to mention an inevitable social chat on the occasion. Now to share a photo or video clip, if not with the whole of humanity, at least with a wide circle of friends, you only need one click on the social networking site, one little button that says "SHARE".

This revolutionary change, which redefines the concept of ownership and moves the centre of gravity of ownership from material goods to the community of experience, may be important for the future of economic systems and social relations.

Growing importance of competencies in the management of information

The plethora of content means that it is necessary to acquire new competencies on the part of both users and content providers.

We already know that the search in the search engines is loaded with curvature brought by algorithms, a filter bubble, making the users see different search results depending on their history of visiting the Web. Anyone who does not get lost on the network as if he were in the enchanted forest, is able to competently search for information on the Internet, who can manage their profile on the social networking site so that content

reaches where planned to, who is aware of what traces personal information "leaves" in the network and how to preserve privacy, will have an advantage over others, as in the past the ones who could read to the illiterate.

The same applies to those who provide content. Those who deliver it in such a way as to satisfy the user in terms of transparency and functionality of the service, and with the increasing public awareness of the problem, perhaps soon also guaranteeing privacy, will win.

Growing importance of content filtering skills

Avalanche access to content raises the need for new forms of guidance. An iconic figure in the world of new journalism is, for instance, Andy Carvin of U.S. public radio NPR (now First Look Media), who introduces himself as a "real-time news DJ & occasional journalist", DJ information on the Internet. Thanks to his commitment on Twitter (he has 102,000 followers) events such as the Egyptian spring of 2011 or attack on the Boston Marathon in 2013 began to take shape and meaning on the Internet, that without his mediation probably would not be interested by the subject or would rely only on the information noise in which they were not able to distinguish real messages from distortions.

Carvin checked the reliability of sources, denounced fabricated revelations, drew people attention to important details. He served the same role as a journalist with experience in the traditional media, except for the fact that he based on other material input – twitts by others.

Just like in the library we always needed a meaningful and transparent catalogue so on the Web we need guides who would order the world for us, because they know it better and have the time we are lacking. It could be one person who would create playlists or the whole site designed to become an aid for those seeking the light among yottabytes of information.

Another thing that has changed is the fact that in addition to the voice of anointed experts we take into account the preferences of our friends (who liked something on the Web or shared it with us). Services providing content put on recommendation systems based precisely on the activity of one's friends ("Your friend, Antek, liked Beethoven") tell us what might be of interest for us. This is another element of the democratization of cultural consumption.

But our tastes today are also steered by algorithms that suggest the user what he might like based on his previous behaviour on the Web. Such dehumanization of the process may seem dangerous for the community nature of culture and autonomy of users.

Experience economy

For the last dozen years or so, economists have been pointing out that the real commodity on the market is the experience offered to the customers. The experience economy theory becomes particularly important when there are a lot of goods that are easily accessible, as it is in the case of the Internet. A unique experience can be – along with convenience – a factor which induces consumers to pay for the service, even though it does not involve a great effort to obtain it for free. Therefore, for example, the artists collecting funds for the creation of their works on crowdfunding sites offer the donors their autographs, T-shirts with the logo of the project or even dinner.

Such an experience is an added value, determined directly by the creator or intermediary – to a lesser extent, therefore, it relates to the circulation of content without respecting copyrights. It may therefore help to alleviate tensions between users and intermediaries or authors, if the barrier of access to these unique experiences is not too high (e.g. free gadgets and an acceptable price). In another case it will only exacerbate these tensions.

Two cultural markets – professional and amateur

Two cultural markets – professional and amateur – have existed probably since the first cave paintings authors began to distinguish themselves from other inhabitants of the caves as holders of special talent. At the end of the analogue world they were already encapsulated with long

established taboos and institutional props. On the road of long emancipation from the guild craftsman the artist has become almost superhuman, thanks to the bestowal of special talents. But artists had to take artistic education, to adopt patterns of high culture, and then register their business in an appropriate association – only then could they become professional creators. Documenting their professionalism – especially in the countries of real socialism – gave them more rights than amateurs – to perform on stage, to royalties.

Internet with its weakening hierarchies – not only for the artists – disturbed this order of things. Suddenly it turned out that an amateur is not only a homely artist exhibiting matches paintings in the local community centre, but also one of dozens of thousands of internet users, no worse, and often better at what they do, than dozens of professional artists.

A question now arises whether a gifted photographer, who on his blog earns on contextual advertising, is an artist or an amateur? The criterion of the creation for free is difficult to be fitted into the online reality. Anyway, Franz Kafka also did not write for money. If you can speak in this case of any clear trend, it may rather be such that "amateurs around the world joined together" – their work is simply more visible and more accessible.

An easier access to customers on the part of creators who have not passed regulating artistic education and have not been anointed by the guards of the canon, is reflected in the discourse they use: there is more strands of contesting dominant narratives.

Increase of the prestige of professional artists on the cultural market and prices of their original works. Exclusivity of the physical contact with the artist

Easy to copy works in the digital age make it necessary to define the notion of authenticity. When the Polish surrealist painter Zdzislaw Beksinski, an enthusiast of new technologies, began to copy his drawings on the photocopier, the recipients had serious doubts whether they were actually dealing with a work of art. The master would ask a rhetorical question, why nobody doubts in

woodcuts or linocuts, but apparently even the theoretical possibility of copying the work indefinitely raises questions as to its uniqueness.

The same questions arose when the distinguished living British painter David Hockney drew beautiful still lives (incidentally, using free software) at his first iPad, where the value added was a flash of the glass screen of the device.

Some accept readily these new techniques of creativity, others will still prefer the possibility of physical contact with the material and will be prepared to pay a lot for it.

The search for originality and uniqueness can be seen even in the case of works that are mass-reproduced by their very nature: comics, cartoons and games – original boards rising in price.

Also important today is the possibility of physical contact with the creator. If Spotify earns 0,006 to 0,084 dollars for one playing of a song, only a really popular artist may consider his revenue from this site a significant item in the family budget. Much more could be earned by playing concerts. A lot of experts say that in the near future a direct meeting with the artist can be one of the most important sources of his income. And this applies not only to performing artists; writers earn even more on meetings and other public appearances than on selling their books.

New, for example, bodily forms of consumption and exploitation of cultural goods resulting from the development of technology.

In April 2012 at a concert by rapper Snoop Dogg there appeared in a hologram another rapper Tupac Shakur killed 16 years before. According to the viewers' he "looked almost like a living person, and it was hard to believe that the real Tupac is not on stage". The hologram of Tupac is just one example of augmented reality, which is offered to us in the new digital world. Connecting the real world with virtual reality is within reach, not only in the cinema 3D. Experiments with implanting people microdevices that will ensure that their perception capabilities significantly expand have already begun. This will open before us entirely new ways of receiving or participating in a work of art.

HOW TO THINK ABOUT DISTANT FUTURE OR HOW WE WROTE THE SCENARIOS

Tomasz Kasprzak, Martyna Woropińska

IN OUR RESEARCH PROJECT WE USED SOME ELEMENTS OF THE "FORESIGHT" METHODOLOGY BECAUSE OF ITS SOCIAL, CREATIVE, PROCESS-ORIENTED AND MULTIDIMENSIONAL NATURE

The goal placed in front of the research team was to show potential legislative solutions and business models related to the functioning of copyright in the broader context of culture, society, education, public policy, and economy 25 years from now. The effect of this work is meant to initiate discussions on the future of the creation, use and sharing of cultural works. This task – as well as any other attempt to influence the scope and level of public debate – is an ambitious challenge. In addition, reflecting on the future so distant is burdened with high risk, because the current trends can change direction; one must also allow for events that would completely change the situation. That is why we decided to use a research method called "foresight".

Foresight methodology allows us to get closer to the situation that will take place 20–30 years from now by describing it in several scenarios showing possible developments[1]. he same method combines analysis and research (including analysis of available research on interesting topics, i.e. desk-research, as well as quantitative research, and statistical analysis) with an approach based on methods to stimulate creative thinking (creative workshops).

Foresight is a participatory method – its purpose is to formulate possible visions of the future on the basis of the debate reconciling different points of view. It often uses a scenario approach – basing on trends and uncertainties descriptions of potential future are formulated.

This methodology has been developed for 80 years now and one of its precursors is considered to be an American sociologist William F. Ogburn[2], a representative of technological determinism and the author of the concept of "cultural lag" (determining primacy of technology). It flourished in the second half of the twentieth century, when companies such as RAND and Shell began to use it in a strategic attempt to prepare for the future. The foresight method is used primarily

1. See Kuciński J., Podręcznik metodyki foresight dla ekspertów projektu Foresight regionalny dla szkół wyższych Warszawy i Mazowsza "Akademickie Mazowsze 2030", Warsaw 2010

2. See: Bell W., Foundations of Futures Studies, Volume 1: Human Science for a New Era, New Jersey 2003

in strategic planning related to the development of science and the institutions that use it, and also to create scenarios for the future well-defined sectors of the economy, businesses or even countries.

Foresight may be also applied to social themes through techniques that maintain social, creative, process-oriented and multi-dimensional approach both to the survey and the analysis of its results.

The social nature of foresight involves engaging in various stages of both experts closely related to its topic, as well as those representing some more remote areas. Persons invited to the project should have conditions for discussion, reconciliation of positions and verification of their own views to ensure that knowledge arising during the project is social in nature.

During the workshop various techniques are used to increase creativity, encourage thinking outside the box and design new solutions.

The process approach based on categories of the future is crucial for foresight projects because of the need to check theses and ideas several times. The process is also the time needed for analysis and creating scenarios. \Multidimensionality in foresight is expressed through the willingness to take multiple perspectives and contexts into account.

At the organizational level of foresight project the above features manifest themselves in the selection of techniques and methods of work (space, workshops methods, networking), willingness to experiment and verify, and openness to risk-taking.

For the purpose of this study a process consisting of three stages was designed:

- three expert panels (held form November 2013 to February 2014) conducted using creative workshops methods, to which representatives of various scientific disciplines and sectors of the economy were invited (the list of all people involved can be found on page 50 of this report)

as well as:

- an online survey completed by the persons involved in the project helping to organize the knowledge gathered in one of the workshops,

- desk-research dedicated to global trends affecting the functioning of copyright law.

The key role in the whole process was played by experts' workshops, the aim being to develop four scenarios for the future. At the same time the workshops implemented the participatory demand – participants in the meetings were representatives of authors, intermediaries and users of cultural goods, i.e. all parties involved in the creation and exploitation of copyright. The meetings had a workshops character, using creative techniques and creativity training.

The purpose of the first workshops was to define the object of the project – to answer the question what today's copyright is (context, scope, methods of use, actors) – and to define trends that may affect it in the future (e.g. based on the results of desk-research). Among these trends were social, economic, technological and cultural changes.

The discussion about trends was the starting point for the selection of "uncertainty factors" (i.e. phenomena whose direction and strength of development we are not able to predict) crucial for our further development of future scenarios. Pivots created by intersecting "uncertainty factors" define fields for building various scenarios. We have assumed that for the purposes of this project two key uncertainty factors for the future of the creation, use and sharing of culture will be selected, which will determine four scenarios.

Between workshops, the experts, using the survey on-line, formed a hierarchy of trends in terms of their validity and likelihood (from a list of previously proposed about 60 items, using the 10-point scale they pointed to the ones that would have in their opinion the greatest impact on the future of creating, sharing and the use of cultural property in the context of European
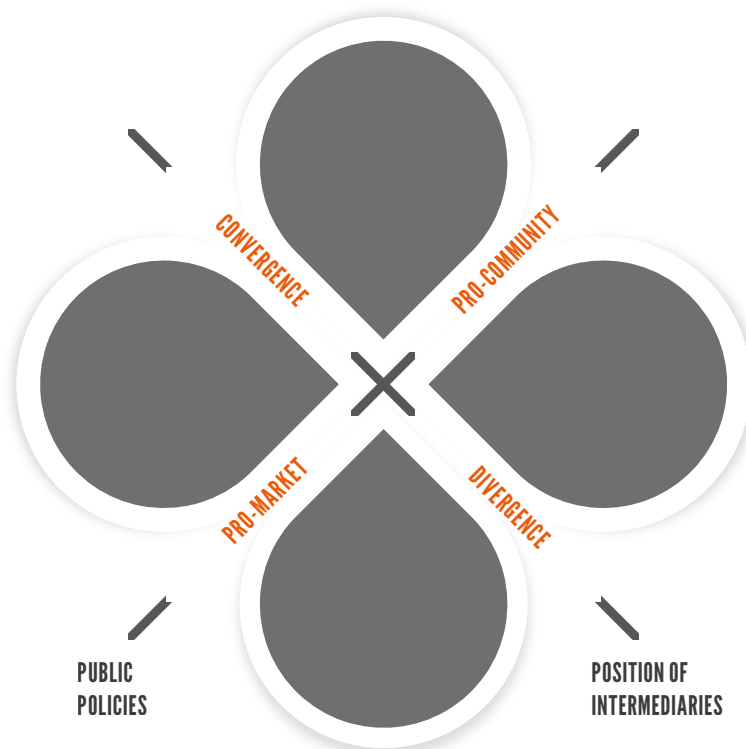
copyright law in 25 years). As a result 17 trends were selected providing a benchmark for the scenario building – they are described in the chapter "What awaits us?" (p. 39) of this report.

The second workshops started with the process of formulating and developing future scenarios in the perspective of 2040. The starting point was to select two key "uncertainties" (pivots), for which the following were adopted:

•   convergence of services versus divergence of services provided by intermediaries in the circulation of cultural works;

•   pro-market versus pro-community approach expressed in public policies (state and international organizations such as the European Union).

From the intersection of these two, four possible scenarios came into being.

Further work of experts consisted of filling scenarios with content and continuous checking of assumptions taken for selected trends, interest groups (authors, agents, representatives of the system of law and users). By creating scenarios they attempted to answer the questions associated with each of them, including the following:

•   What does civil society look like?

•   What is the commonly accepted pattern of successful life?

•   What does the system of education look like?

•   What does the economic system look like?

•   How does the creative section function?

•   What is the situation of creators of high art and critical art?

- What is the model of participation in culture?

- How does technology influence the consumption of culture?

- How does the law treat authors and users of culture and how it regulates relationships between them?

The third and last workshops were devoted to clarifying and deepening each scenario and taking a look at the situation of different actors in each of them. It is worth noticing that all workshops were held in an extremely dynamic manner with a strong involvement of people taking part in them.

Basing on a detailed analysis of these four scenarios Miłada Jędrysik, a journalist who participated in all meetings of experts, prepared a narrative description of the possible "worlds", constituting the main part of this report.

The scenarios developed may be a starting point for broadening the scope of public debate, and the next step to reconcile approaches to copyright by a wider than the current group of authors, intermediaries and users of cultural works. The authors of the project "Scenarios for the future of libraries" stress that "Foresight is primarily a way to become familiar with the thinking of the future and to adopt pro-active approach to the changes."[3]. Moreover, through the inclusion of different perspectives and actors, it creates the possibility of verbalizing positions of individuals and groups excluded from the dominant discourse. In the text "Prospektywa, czyli zarządzanie przyszłością" [Prospective, or management of the future] Edwin Bendyk[4] gives the affirmative answer to the question whether the method of foresight can help in coping with real challenges. Such a real challenge for people interested in shaping social relations, education, creative industries, culture and technology in Europe in the perspective of 25 years is, in our opinion, the shape of copyright.

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3. Tarkowski A., Bendyk E., Scenariusze przyszłości bibliotek, Warsaw 2011

4. Bendyk E., Prospektywa, czyli zarządzanie przyszłością, [in:] Scenariusze rozwoju lokalnych polityk kultury, Warsaw 2012

WE ASKED THREE EXPERTS ABOUT THEIR VIEWS ON THE FUTURE OF STANDARDS AND PRACTICES RELATED TO COPYRIGHT.

JUSTYNA HOFMOKL, internet researcher and campaigner for free culture:

"We are not able to inhibit the appetite of users for movies, music, texts or images, which has been awakened by the development of the Internet. The availability of any of the goods at your doorstep means that we expect novelties at good resolution and in any language immediately. I believe that the policies of cultural content providers will be aimed more towards satisfying the desires of consumers than penalizing activities aimed at obtaining access to content. Commercial offer based on the subscription system will probably grow and the authors will agree to it, even against their own interest. It would be naive to believe that the major players in the media market will give way to networks of distributed groups of enthusiasts who share among themselves their selected sources. In this sense, the fundamental thesis of the revolution and transfer of all power over the flow of cultural goods to internet users was far too optimistic. I personally enjoy the fact that the internet provides easy access to niches and those seeking diversity certainly can get to them.

The copyright is not adapted to the reality in which every minute gigabytes of new content appear, and users expect to be able not only to be aware of them, but also to forward or redo them. Therefore, in its present form it is a burden rather than improving the circulation of culture. But we cannot expect a rapid onset of revolution in the legislation. I hope for a change, which will be caused by slow transformation not so much in the media market, but in the scientific and educational activities. It is in these areas that free licenses allowing sharing and transformation of educational content are adapted the fastest. The next generation brought up on such shared content will expect similar freedom in the field of culture. They may carry out a reform of copyright law to measure the new century."

MARCIN BEME,
founder of audiobooks service Audioteka.pl:

"The most important in the course of cultural content on the Web is to caress the consumers: to offer them a complete, stable and easy-to-use service. Mobile technologies in the pocket of every potential user is a great opportunity to spread access to cultural content. But you have to remember that competition – in the sense of other content and entertainment – is only "one app away". The period during which a person focuses on one object before deciding to move elsewhere (the so-called attention span) is very short, and cultural content have different characteristics than celebrity gossip or other entertainment websites. If we do not provide users with absolutely unique experience with our service, it is just as easily as we have gained them, we may lose them.

"Pirate" in my opinion is a person who did not get a satisfactory offer from authorized sources. Most people do not know that they use the services that break the law, especially that they often pay for their use. If you wonder whether it is easier to find and punish the illegal sharing of movies or music or make clients of such services respect the copyright, the second solution seems easier. However, it seems even easier – from the point of view of the entrepreneur selling audio books – first to reach those who have not yet consumed culture on the Web, but are participants in the mobile community – using smartphones and tablets – and they have the financial capacity to pay for a well-prepared service."

BARTEK CHACIŃSKI,
journalist and editor of the culture column in"Polityka"magazine:

"Streaming services giving access to as many resources on the Web for the price of one subscription are definitely the future. After years of trial and error, finally, it turned out which model works. Examples from Scandinavia, which has become a training ground for such solutions, show that they minimize illegal trade files and replace it. Streaming services will serve to familiarize viewers with commercial products of culture – the real enthusiasts will go on buying the LP or participating in concerts of their favorite artists.

Perhaps the profit from these new distribution models will not be what the authors would have expected, but at least their work would be sold, and not taken for free. Anyway, let us give this market a chance to develop, the real benefits are yet to come.

At the same time you can see that the movement under the aegis of Creative Commons, of which I am a strong supporter, seems to be slowing down. Maybe with the changes streaming services will bring, the status quo when it comes to copyright law will strengthen, because if it turns out that you can make money on the old terms, why change them."

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